

A TRUE
REPRESENTATION
OF
THE PROCEEDINGS OF
THE KINGDOME OF
SCOTLAND;

Since the late pacification:

BY
THE ESTATES OF THE
KINGDOME:

Against mistakings in the late
DECLARATION, 1640.

Printed in the year of God, 1640.

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ALTHOUGH our adversa-
ries should not onely whet
their tongues and swords, but
also dippe their pennes in the
gall of bitternesse, and every
day write a book against us in
this cause, yet will it bee ac-
counted of us, as an ornament
to our head, and a chain to our
neck; for not wee so much as
trueth it selfe doth suffer by them; It being their ayme and
designeto make Antichristian errorr triumph above that
truth, which is coeval with time it self, & their Art & sui-
tabletūing not only to conceal & deprave verities, which
will prove the daughters of time, but also to forge such lies,
as may serve most for their wicked ends; But it wounds us

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fore, that they are permitted to prefixe the sacred face and name of authoritie, ordained of God to defend and vindicate iurth, to their base and crooked wayes, and that by their Sophistications, as the goings of the Serpent, the world should be obfirmed in error, and the simple and ignorant pitifully seduced and snared, to be made the instruments of the execution of their malice and crueltie. Wee may truely say, if forgeries, depravations, and misconstructions were taken out of the minds and libells of our adversaries in this cause, they would bee but poore and shrunkn things, unpleasing to themselves, when they look upon them, and of small power to worke upon others that beare them; but they finde that this miserable mixture although a grosse embasement, maketh their mettall the more pliant and flexible, and to worke the better for making up their Idoll.

That book which carried the name and title of His Majesties large Declaration, hath yet received no publick and particular answer. So many as are acquainted with our proceedings since the beginning of this worke, as have taken diligent heed to such pieces of ours, as it hath ingrossed, which alone may be an antidote against all the venom of it, and as have perused what beside came from us, to the view of the world, do find that it hath nothing against the cause, or against the persons of men, but what they are able to confute from their owne knowledge. Before that Declaration was seene of us, (for it was not intended to open our eyes, but to dazzell the sight of our neighbours, and therefore a long time kept without our borders) we had given unto his Majestic and the Nobility of England satisfaction concerning our proceedings which were perverted by the author of that Declaration, the pacification was concluded, and an Assembly and Parliament promised and appoin-

appointed: Likeas at the time of the pacification, diverse of his Majesties gracious expressions were found contrary to the aspersions and blotts which had fallen from that foul pen. And this at that time was told his Majestie by some of our Commissioners, and did teach us how impudent the forger was, and how injurious to the King, from whose justice wee hoped he should receive his deserved censure and punishment, at the desire and supplication of the Assembly and Parliament, which was judged to be a more generous way and more honourable for the King, the Kingdome, and many particular persons, who were knowne to be wronged, then to trifle with such a party in a reply about things that were past, and to make the wounds green, which were begunne to close; Neither in this was it our desire, so much to do the party hurt, as to make him repent and palinode, without which wee cannot yet see, how either his Majestie can be restored to his honour, or the Kirk and Kingdome, and many of his Majesties subjects repaired in their credite; Although wee know that this our plaine and open profession of our judgement and desire will make him (except God touch his heart) the more desperatly wicked; and if he have any power, to abuse it, that he be not called to that reckoning which he is not able to make.

The case is now changed, It was time then to keep silence, and now it is time to speake, when our just exceptions against this late Declaration, and our presenting of the naked and open truth, as in day light without masks and mummeries, may (if the Lord will) prevent the mischief now intended the second time, which was by other meanes in the mercy of God turned away at first. And if this our endeavour shall prove uneffectuall to our wished ends of tranquillity and peace, we must rest upon the determination of the Supream providence, and upon this testi-

mony, that we have delivered our own soules. The steps of the Declaration shall be trod by us, In the relation of our proceedings from the pacification to the Parliament, In the time of the sitting of the Parliament, and after the Parliament to this day: In all which, when the Declaration wandereth out of the way, we shall modestly, and with that respect which we owe to authority, which shall never be vilified, but ever be in high esteem with us, keepe the way of truth, and shal note the wilfull aberrations of our adversaries, whose delight is to walk in wanderings and by-paths.

The question proponed in the beginning: who they are that have been the disturbers of the peace, is that which we desire to be debated, and may be the more easily and clearly defined, upon this threefold consideration. First, that Innovation in Religion, and the infringing of fundamentall Liberties and Lawes, which are universally acknowledged to be the maine causes of commotions, have been the first motives and meanes of our Tempests and troubles: When Religion and Justice, which are the pillars of government begin to be shaken or under-myned, no marvell there be disturbance in the house of the Common-wealth, which yet is not to be imputed to all who are under the roose, but to such as have a hand, and are workers in the mischief. Secondly, our wayes of redresse and deliverance from common ruine, were no other, but humble and frequent supplications to the Councell of the Kingdome first, and not being heard, in all reverence to the King himself, as the great Master of the house: fair & legall protestations against the threatening & pressing evils, everyone of the bearing the testimonies of our loyalty, & of our high honouring of Monarchicall government in the Royall person of our native King: And when our supplications & protestations proved nothing but fiewell to that fire, which was burning in the breasts

breasts of those Incendiaries our enemies, and had inflamed our King to take armes against us, and to put all in a common combustion; We did still present in the one hand our humble supplications, most earnestly begging to enjoy our Religion and Liberties, in peace, under his Majesties happy government: And did hold in the other hand, the sword of just and innocent defence, against the oppression and violence of the Enemies of the Kings honour, and of our peace; Which we are confident by no Law of God or Nations, can be judged to be rebellion or les-Majesty. Our petition, at that time when we are said to have been in the hight of rebellion, we have here set down whole, the Declaration containing but a part thereof. We did then write our mind, whereof we never did repent, and which we desire may be known to all men.

To the Kings most excellent Majesty:
 The supplication of his Majesties Subjects
 of SCOTLAND. humbly shewing,

THat where the former meanes used by us, have not been effectuall for recovering your Majesties favour, and the peace of this your Majesties native Kingdome, wee fall down again at your Majesties feet, most humbly supplicating, that your Majestie would be graciously pleased to appoint some few, of the many worthy men of your Majesties Kingdome of England, who are well-affected to the true Religion, and to our common peace, To heare by some of us, of the same disposition, our humble desires, and to make knowne to us your

your Majesties gracious pleasure, That as by the providence of God we are joyned in one Iland, under one King, so by your Majesties great wisdom, and tender care, all mistakings may be speedily removed, and the two Kingdomes may be kept in peace and happinesse, under your Majesties long and prosperous reigne: For which we shall never cease to pray, as it becommeth your Majesties most humble Subjects.

With the Supplication sent to his Majesty by the hand of the Earle of Dumfermling, a Letter was sent to the Earle of Holland, and others of the Councell of England about his Majesty, In these words.

MOST NOBLE LORDS,

ALthough wee have been labouring this long time past by our Supplications, Informations, and Missives, to some of your Lordships to make knowne to his Majesty and the whole Kingdome of England, the loyalty and peaceableness of our intentions and desires, and that we never meened to deny to his Majestie, our dread Sovereigne, and native King, any point of temporall and civill obedience; yet contrary to our expectation and hopes, matters to this day growing worse and worse, both Kingdomes are brought to the dangerous and deplorable condition wherein they now stand in the sight of the world. In this extremitie we have sent to his Majestie our humble supplication (beside which we know no other meane of pacification) and doe most earnestly intreat, that it may bee assisted by your Lordships, that if it bee possible by a meeting in
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some convenient place, of some prime and well-affected men to the reformed Religion, and our common peace, matters may bee accommodate in a faire and peaceable way, and that so speedily, and with such expedition, as that through farther delays, which wee see not how they can be longer endured, our evils become not incurable: wee take God and the world to witnesse, that we have left no meanes unassayed, to give his Majestie and the whole Kingdome of *England*, all just satisfaction: And that wee desire nothing, but the preservation of our Religion and Lawes. If the fearefull consequents shall ensue, which must be very neare, except they be wisely and speedily prevented, we trust they shall not bee imputed unto us, who till this time have been following after peace, and who doe in every duetie most ardently desire to shew our selves his Majesties faithfull Subjects, and

Your Lordships humble servants.

His Majestie being pleased to admit some of us to repair to the Camp neare Barwick, and granting unto them a safe conduct under his Majesties hand, our Commissioners presented our humble desires, the last words whereof are expressed in the Declaration, but we have set them down intire, that both the reasonablenesse of our petitions, and the loyalty of our hearts may be knowne to all men.

First, it is our humble desire, that his Majesty would be graciously pleased to assure us, that the acts of the late Assembly at *Glasgow* shall be ratified by his Majesty in the ensuing Parliament to be holden at *Edinburgh*

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July

July 23. since the peace of the Kirk and Kingdome cannot endure further prorogation. Secondly, that his Majesty from his tender care of the preservation of our Religion and Lawes, will be graciously pleased to declare and assure, that it is his Royall will, that all matters Ecclesiasticall bee determined by the Assemblies of the Kirk, and matters civill by Parliament, which will be for his Majesties honour, and keeping peace and order amongst the subjects, in the time of his Majesties personall absence. Thirdly, that a blessed pacification may bee speedily brought about, and his Majesties Subjects may be secured, our humble desire is, that his Majesties ships and forces by land be recalled; that all persons, ships, and goods arrested may be restored, the losses which we have sustained by the stopping of our trade and negotiating be repaired, and we made safe from violence and invasion; And that all excommunicat persons, all Incendiaries and Informers against the Kingdome who have out of malice caused these commotions for their own private ends, may be returned to suffer their deserved punishment: And the Proclamations and Manifestoes sent abroad by them, under his Majesties name, to the dishonouring of the King, and defaming of the Kingdome, may be suppressed. As these are our humble desires, so is it our griefe, that his Majestie should have been provoked to wrath, against us his most humble & loving subjects; & shalbe our delight upon his Majesties assurance of the preservation of our Religion and Lawes, to give example to others, of all civill and temporall obedience, which can be required or expected of loyall subjects.

Of those our desires, the grounds and reasons following were given in writ at his Majesties command.

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REASONS AND GROUNDS

of our humble desires.

WE doe first humbly desire a ratification of the acts of the late Assembly in the ensuing Parliament. 1. Because the civill power is the keeper of both Tables, and whereas the Kirk and Kingdome are onebody, consisting of the same members, there can be no firme peace nor stabilitie of order, unlesse the Ministers of the Kirk in their way presse the obedience of the civill Lawes and Magistrat, and the civill power adde their sanction and authoritie to the constitutions of the Kirk. 2. Because the late Generall Assembly, indicted by his Majestie, was lawfully constituted in all the members thereof, according to the constitutions and order prescribed by acts of former Assemblies. Thirdly, because no particular is enacted in the late Assemblie, which is not grounded upon the act of preceeding Assemblies: And is either expressly contained in them, or by necessary consequence may be deduced from them, That the Parliament be kept without prorogation, his Majestie knowes how necessary it is, since the peace of the Kirk and Kingdome call for it without longer delay.

Wee did secondly desire, that his Majestie would be pleased to declare and assure, That it is his Royall will, that all matters Ecclesiasticall be determined by the Assemblies of the Kirk, and matters civill by the Parliament, and other inferiour Judicatories established by Law; because wee know no other way for preservation of our Religion and Lawes; and because mat-

ters so different in their nature, ought to be treated *respectively* in their own proper Judicatories. It was also desired, that Parliaments might be holden at set times, as once in two or three yeares, by reason of his Majesties personall absence, which hindereth the Subjects in their complaints and grievances, to have immediat access unto his Majesties presence. And where his Majestie requires us to limite our desires to the injoying of our Religion and Liberties, according to the Ecclesiasticall and civill Lawes *respectively*. Wee are heartily content to have the occasion to declare, That we never intended further then the enjoying of our Religion and Liberties: And that all this time past, it was farre from our thoughts and desires to diminish the Royall authoritie of our native King and dread Sovereigne, or to make any invasion upon the Kingdome of *England*, which are the calumnies forged and spread against us, by the malice of our adversaries: and for which wee humbly desire, That in his Majesties justice they may have their own censure and punishment. Thirdly, we desired a blessed pacification, and did expresse the most readie and powerfull meanes which we could conceive for bringing the same speedily to passe, leaving other meanes serving for that end, to his Majesties Royall consideration and great wisdom.

Before his Majestie gave an answer to our above. written desires, Three Querees were read out of a paper by his Majesty to our Commissioners: Unto which they gave a present answer by word, and at his Majesties instance prepared their answers to be exhibite in writ, but they were not called for.

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THE QUEREES.

1. **W**Hether we acknowledge the Kings Majestie to have the sole indiction of Assemblies?
2. Whether his Majesty hath a negative voyce in Assemblies?
3. Whether his Majestie hath the power of raising Assemblies?

ANSWERS.

1. **T**Hat it is proper for the Generall Assemblie it selfe to determine questions of this kind, and it were usurpation in us, which might bring upon us the just censure of the Generall Assemblie, to give out a determination. 2. The answering of one of those three demands, is the answering of all; for if the sole indiction belong to his Majestie, there needeth no question about the negative voice, and dissolving of Assemblies: Next, if his Majestie hath a negative voice, there needeth no question anent the indiction and dissolving, and if his Majestie may discharge the Assemblie, there needes no question about the other two. For our parts we humbly acknowledge, that the Kings Majestie hath power to indict the Assemblies of the Kirk, and when in his wisdom he thinkes convenient, he may use his authoritie in convening Assemblies of all sorts, whether generall or particular: Wee acknowledge also that the solemne and publick indiction by way of Proclamation and compulsion, belongeth properly to the Magistrate, and can neither bee given to the Pope, nor to any forraigne power, nor can it without usurpation bee claymed by any of his Majesties subjects: But wee will never thinke that his

Majestie meaneth, that in the case of extream or urgent necessitie, the Kirk may not by her self convene, continue, and give out her own constitutions for the preservation of Religion.

1. Because God hath given power to the Kirk to convene: The Sonne of God hath promised his assistance to them being convened, and the Christian Kirk hath in all ages used this as the ordinary and necessary meane for uniforme establishing of Religion and Pietie, and for removing of the evils of heresie, scandals, & others of that kind, which must be, and would bring the Kirk to be no more, if by this powerfull remedie they were not cured and prevented. 2. According to this divine right, the Kirk of *Scotland* hath kepted her Generall Assemblies with a blessing from Heaven; for while our Assemblies continued in strength, the doctrine, worship, and discipline, the unitie and peace of the Kirk continued in vigour; Pietie, and Learning were advanced; and profanitie and idlenesse censured. 3. The Kirk of *Scotland* hath declared, that all Ecclesiasticall Assemblies have power to convene lawfully together for treating of things concerning the Kirk, and pertaining to their charge, and to appoint times and places to that effect. 4. The libertie of this Kirk for holding Assemblies, is also acknowledged by Parliament, and ratified by acts thereof, which is manifest by the act of Parliament holden *in anno 1592.* and that upon the ground of perpetuall reason. 5. Because there is no ground either by act of Assembly or Parliament, or any preceeding practise, whether in the Christian Kirk of old, or in our Kirk since the reformation, whereby the Kings Majestie may dissolve the Generall assembly, or assume unto himselfe a negative voyce:

but

but upon the contrary, his Majesties prerogative is declared by act of Parliament, to be nowayes prejudiciall to the priviledges and Liberties which God hath granted to the spirituall office-bearers of his Kirk, which are most frequently ratified in Parliament, and especially in the Parliament last holden by his Majestie. 6. By this meane, the whole frame of Religion and Kirk Jurisdiction, shall depend absolutely upon the pleasure of the Prince, whereas his Majestie hath declared by publick Proclamation in *England*, that the Jurisdiction of Kirk-men, in their meetings and courts holden by them, doeth not flow from his Majesties authoritie, notwithstanding any act of Parliament, which hath been made to the contrary, but from themselves, and their own power, and that they hold their courts and meetings in their own name.

After much agitation, and many consultations, his Majesties Declaration touching the intended pacification was read to our Commissioners; who upon their dislike and exceptions taken both at matter and expressions, as contrary to our minds, and prejudiciall to our cause, did humbly remonstrat, that the Declaration as it was conceived, could not give satisfaction to us from whom they were sent; His Majesty was gracionly pleased to command some words to be deleted, other words to be changed, and many parts thereof were by verball promises and interpretation from his Majesties own mouth mitigated, which in our estimation were equall to that which was written, some of the Counsellours of England, assuring our Commissioners, that what was spoken and promised before men of honour, and in the face of two Armies, was no lesse certain, and would (no doubt) be as really performed, as if it had been

been written in capitall Letters; which therefore were diligently observed, carefully remembred, and punctually related by our Commissioners at their delivering of his Majesties Declaration to us: And without which, wee nor could nor would have condescended and consented to the articles of the Declaration, more then we could or would against the light of our minds and consciences have sinned against God, and condemned our owne deed. Thus, way was made to the pacification, and for praecoccupying all mistakes whether wilfull possibly by some, or through weaknesse of memory by others: These vocall interpretations and expressions were collected, kept by our selves, and in papers delivered to some of the Counsellours of England in the words following.

Some conditions of his Majesties Treatie with his Subjects of Scotland, before the English Nobility are set down heere for remembrance.

AS for the preface and conclusion of his Majesties last Declaration, although it contained hard expressions of the Subjects in Scotland, yet his Majestie declared that he had no such opinion of them, but required the paper to stand for his credit, and for a point of honour with forraigne Nations, and required they should not stand with him for words and expressions, so they obtained the matter.

2. As for calling the late Assembly pretended; seeing the Subjects of Scotland professed they would never passe from the said Assembly, and decrees thereof; His Majestie professed, as he did not acknowledge that
 Assembly

Assembly, further then as it had registrat his Declaration: so would he not desire the Subjects to passe from the samine.

3. Concerning the constitution of the Assembly, It was showne his Majestie that none could be members of the Assembly, but such as had a Commission, viz. two or three Ministers from every Presbyterie, with a ruling Elder, one from each Burgh and University, and his Majesties Commissioner. His Majestie contended; that his Asseissors had vote, and upon an expresseion in his Majesties Declaration, that referred to some reasons contained in former Proclamations, which were totally against the lawfulness of ruling Elders: It was desired that according to the custome of this Kirk, all controversies arising, should be remitted to the Assembly it self, His Majestie had some expressions craving these to be remitted to himself, but being told that it was against the constitutions of the Kirk, to have any other Judge, but the voycer of the assembly, where his Majesty, or his Commissioner should be present, and give the first voyce; It was concluded, that the word *Free Assembly* in his Majesties Declaration, did import the freedome in judging all questions arising there, concerning constitution, members or matter.

4. Concerning the restitution of the Castles, as the subjects did it freely, so did they expresse that what might concerne the safetie of the countrey, they referred to the time of the Parliament, at which time they should signifie their desires by Petition to his Majesty. As also they told it had cost much charges in fortifying and keeping thereof: The representation whereof to his Majesty, they referred to that time.

5. Concerning the restitution of persons goods and
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houses required by his Majestie, It was promised, providing the great summes contracted for the publick, were repayed in an equall way by all, which behoved to be done either by commission from his Majestie, or by Parliament. And when it was objected, that much goods were already spent: The King answered, That as for goods or ammunition that was spent, they could not be restored; but these that are extant, must bee.

6. His Majestie not allowing of the late asseembly, for the reasons contained in his severall Proclamations, being excepted against, as a declaration of his Majesties judgement against ruling Elders, which prejudged the right constitution of a free asseembly: His Majestie after full hearing deleted that clause.

7. That part of his Majesties Declaration, which beares, that no other oath be exacted of Intrants, then that which is contained in the act of Parliament, as also that clause bearing, that the pretended bishops &c. shalbe censurable by the generall asseembly, being excepted against, as presupposing and importing the continuance of episcopacie, which wee could not acknowledge, as being incompatible with the Confession of faith, and constitution of the Kirk: His Majestie was pleased to delete both these clauses.

8. And it being with all instancie and humilitie prest Saturday June 15. That his Majestie would satisfie that main desire of the Subjects, by declaring, that his Majestie would quite episcopacie, did answere, that it was not sought in our desires: And when it was replied, that our first desire to have the acts of the generall asseembly ratified, imported the same, his Majestie acknowledged it to be so, and averred that he did not refuse

fuse it, but would advyse till monday the 17. At which time his Majestie being prest to give some signification of his quytting episcopacie: and it being plainly shewn to his Majesty, that if he would labour to maintain episcopacie, it would breed a miserable schisme in this Kirk, and make such a rupture & division in this Kingdom, as would prove incurable: and if his Majesty would let the Kirk and Countrey be freed of them, his Majesty would receive as hearty and duetifull obedience as ever Prince received of a people. His Majesty answered, that he could not prelimit and fore-call his voyce, but had appointed a free assemply, which might judge of all Ecclesiasticall matters. The constitutions whereof he promised to ratifie in the ensuing Parliament.

It were against duty for us to doubt of his Majesties intention to be personally present in the Assembly, as it is expressed in the foresaid Declaration. And we are no lesse assured, that if it had pleased God so to dispose, matters this day might have been in a better and more peaceable posture, through giving and receiving in presence, mutuall contentment betwixt the King and his Subjects: But the penner of the Declaration hath been evill advised, in rendering the reasons of his Majesties diversion, from any disorders in Edinburgh, or from the refusall of some Noblemen and others to goe to Barwick. For that stir of some of the people did arise upon a rumor, that the Lord Aboynd who had lately come from the troubles in the North, where some of Edinburgh had lost their friends and acquaintance: And that the late pretended bishop of Edinburgh, (the more odious to the people, that in the recent Proclamation the prelates were called to be members of the Assembly)

(sembly) that they both were at that time in the Coach, about which the multitude made the concourse: But no sooner were the persons discerned, and the Lord Treasurer seen and known, but the tumult incontinent ceased. All which being made known to his Majesty by Commissioners sent from Edinburgh, and seconded by the Lord Treasurer his owne relation, his Majesty seemed to rest satisfied.

Neither was the refusing of the Lords and others sent for, the true cause of his Majesties going away: What means have been used by some bad instruments to disturb and cut off a treatie of peace, is too manifest from the records of times past; when men simulate and make a show to do that of a free mind, which indeed necessitie constraineth them to do for the time, there can bee no firme peace expected. Wicked men also who find themselves prejudged by a treatie of peace, have found no way more certain against it, then to go about to commit some foul act against them, with whom they would not have the accord to stand: And it hath rarely come to passe, that the best Princes have been suffered by male contents to keep the conditions of peace, which they have made with their own subjects; For here it is no great difficulty, to foment division, and to make an exulceration in the mind of Sovereignitie. We will not expresse what by relation, and not by conjecture, but by indicative signes we learned at that time; But will onely give the causes why the fourteen select persons called for by his Majesty, were not suffered to goe to Barwick.

*Some few of the many reasons given for staying the
Noblemen and others named by his Majesty
from repairing at this time to the
Court at Barwicke.*

I. **H**IS Majesty hath not been in use at any time of the greatest securitie to call any of his Majesties Subjects out of the Kingdome after this sort : At this time then which is so full of feares, to call for so many of such Noblemen, without any warrant or command sent to themselves, it seemes to us strange, and may we not say, was ever his Majesty, or his Royall Father wont to do sounto us, sincetheir going to *England* unto this day? Although his *Majesties Declaration at Dunce*, contrair to our mind and merit, did call the late Assembly, a *pretended Assembly*, our humble and loyall proceedings, disorders; our courses, disagreable to Monarchicall governement; and did threaten us with the terrours of his Majesties wrath; yet our desire is to live a quiet and peaceable life under his Majesties governement, and our zeale to his Majesties honour, although with some asperſion put upon our selves before the world, moved us to receive them, because of diverse gracious expressions related from his Majesties mouth by our Commissioners, which we did gladly heare, and did note diligently for our own content, and that wee might be able to satisfie others, and without which, the articles of pacification had never served for the beginning of peace; yet we now understand, that all, or the greater part of these verball expressions are denyed, which makes our hopes to waver, giveth us great cause

of Jealousie and suspicion, and moveth us to call in question all other reports made to us from his Majesty.

2. His Majestie knoweth, that what is so instantly pressed at this time, was none of the articles agreed upon at that time. And if beside the restitution of goods, the rendring of the Castles, the dissolving of the Army; It had then been required that those fourteen should be sent to the Camp, or to *Barwicke*, the condition had beene harder then that wee could have yeelded unto it.

3. Because we cannot judge the intentions of minds, and disposition of hearts, but by that which we heare with our eares, and doeth appeare in action. We desire to be considered, that all expressions of favour are put upon our adversaries, they esteemed and called his Majesties good Subjects; and their practises, his Majesties service; Upon the contrair, whole volumes are spread, and even since the treatie put in all hands against us, not onely stuffed with such reproaches against almost the whole Kingdome, and particularly against the persons now sent for: That it were a dishonour to the King to have such a Kingdome, and a shame to be set over such subjects as we are descryved to be; But also containing threatnings and vows of exemplar punishment upon such as they are reported to be: That the troubles of the Northerne parts of the Kingdome are not as yet ceased: That Garrisons are kept at *Barwick*: and other places of the borders: That the Castle of *Edinburgh* is fortified, and furnished above any thing that hath been heard of at any time before: That some cruell and bloody words against the *Scottish* Lords have been over-heard in *Barwick*: and, which we could not have beleaved, but that it is testified by
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so many Letters sent hither; That our friends and Countreymen not onely in *Ireland*, but even now in *England*, are not only stopped in their trade, but casten in prison for the modest refusing to take oathes contrair to their oath and Covenant, which they have sworne in their own Countrey: a violence not used before the treatie of peace, contrair to the Law of Nations, to the rule of common equitie, of doing that to others, which we would they should doe unto us, and to the articles of pacification agreed upon with his Majestie.

These and other the like considerations doe so work upon us, that for the present except we doe against our own hearts, and deny our owne sense, wee cannot give way to so eminent persons to repair to *Barwick*, which we trust his Majestie neither will interpret to be disobedience, nor diffidencie, since we have been all carefull to see all the conditions performed to the uttermost on our part. and there is not one of that number, nor of us all, but shall bee ready for our owne parts, to give the most ample testimony of our obedience to his Majesties commandements, and of our confidence in his Majesties Justice and goodnesse, as his Majestie shall really find, and experience at his coming, and during his abode in the Kingdome: For wee are assured what hath been committed by any since the begunne pacification, contrair to any of the articles thereof, hath proceeded from the disposition of wicked instruments about his Majestie, who are enemies of his Majesties honour, and our peace, and have been the authoxs of all our wofull divisions, which we beseech the Lord to put to an end, by an happy and everlasting peace.

The darknesse of those clouds which than threatned the storme now like to fall upon this Island, had been easily scattered by the brightnesse of his Majesties presence in his Royall person, which would have been so farre from danger (as the Lord is witnesse, never any such treacherous intention or motion entred in our hearts) that never was there a King more heartily welcomed, more chearfully entertained, and more universally accompanied with congratulations, and acclamations of joy; then his Majesty would have been, if he had come and stayed in this his native Kingdome, till that had been performed in Assembly and Parliament, which was promised in the articles of pacification; But God would not have it so: And his Majesty shew to our Commissioners, That weighty affairs of the Kingdome of England, did call for his Majesties presence, whereof he had received advertisement from the Councell of that Kingdome: But that he would appoint a Commissioner in his place, fully instructed for the Assembly and Parliament. By all which it is apparent, that neither any tumult in Edinburgh, nor the not coming of the Noblemen and others called for, was so much as pretended at that time, to be the change of his Majesties resolution.

Having now represented, that the Innovation of our Religion, and the infringing of our Liberties, were the first causes & motives of our troubles. Secondly, that we did humbly & frequently supplicat & protest for remedy, & that in a most quiet & peaceable way; that never ceasing from our humble supplications, we did take Arms meerly for our own defence, whereof we devoted our selves how soon any tollerable pacification could be obtained, resolving upon the hope of enjoying of our Religion and Liberties, by the help of our God to bear our own burthens. We come to our
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third consideration to vindicate our selves from the breach of peace, which we trust will be a work very easie for us in the minds of so many as will be pleased to judge unpartially, and without prejudice to heare the plain truth: For nothing is now after so many dayes, and so hard dealing layde to our charge, which was not before his Majesties parting from Barwick, both objected by our adversaries, and so fully answered by our Commissioners sent from us, that his Majesty was pleased to continue in his purpose, and to renew his Royall promise of holding the Assembly and Parliament: If his Majesty was not then satisfied with our answers, how was it that the Assembly and Parliament, the summe of all our desires were still granted: and if his Majesty was then satisfied with our answers, how cometh it that we should be charged with the same aspersions which were purged before. This Sophisticall wrangling, and grosse wronging of the truth, may perhaps gaine some ground upon the credulity of strangers, who are not acquainted with the order of our proceedings, but can have no power with us, or wish others who were witnesses to our wayes, but to make us the more affectionat to the cause, and them more affectionat to us, whom they know to bee borne down, not onely by violence, but by calumnies and contradiction. Wee present therefore in this place both the articles wherewith we were charged 1639. July 18. and the answers given unto them.

Articles wherewith we were charged July 18.
1639. after the pacification.

1. English skippers abused at Leith.
2. Ammunition not all restored.

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3. Forces

3. Forces not dismissed, and in particular *Munro* his Regiment yet kept afoot.
4. Generall *Leslies* commission not yet given up.
5. Fortifications not so much as begunne to be demolished.
6. Their unlawfull meetings still kept afoot, whereby our good subjects are daylie pressed to adhere both to their unlawfull Covenant, and pretended Assembly at *Glasgow*.
7. Protesting against our gracious Declaration of the Act of pacification, published in your Camp at *Dunee*.
8. Protestation made publickly at the time of the Indiction of the Assembly.
9. Protestation made against our command of the down-sitting of the Session.
10. Why seditious Ministers, who in their Sermons preach seditiously, are not taken order with.
11. Why our good subjects are deterred and threatned if they shall come home to their own native country, and their houses.
12. Our subjects are required to subscribe the acts of the late pretended Assembly, or the Covenant with the addition.
13. Order is not taken with the persons who have committed insolencies upon our officers, and on our good subjects.
14. None are admitted or allowed to be chosen members of the ensuing Assembly, except such as doe subscribe and swear to the ratification of the former Assembly.
15. Our good subjects, who have stuck by us and our service, are publickly railed upon in the streetes, and

and pulpits, by the name of traytours , and betrayers of the Country.

16. Ministers are daylie depofed, for not fubfcribing to the ordinance, anent the pretended Affembly and Covenant.
17. Why *Balmerinock* and his associates did ftop our good fubjects from coming to us , when they were ready and willing to have obeyed us , and our commands.
18. The paper divulged, and if they avow the fame.

Our answers at that time to thofe articles.

TO the firft, It is answered, That the proceffe ledde before the Baillies of *Leith*, and the parties and witeffes depofition taken before Captaine *Fieldoun* [22] of July instant, will cleare this, and witneffe againft them, that they have contradicted themfelves , and fo are not worthy to be beleaved.

To the fecond, The Cannon which were at *Leith* are delivered unto the Caftle already, & the reft fhall be delivered in with all poffible diligence at fartheft before Saturday next at night: As for the Muskets, all thofe which we conceive were taken, are already delivered. And if the Lord Thefaurer can prove, that any of our focietie did receive any more, the fame fhall bee reftored, or the pryce thereof. And the 54. barrells of powder fhall be payed for: The ball was not made ufe of, but all lying ftill where they were.

To the third, Since his Majeftie will have that Regiment disbanded , the fame fhall be done prefently; But wee humbly beg, that his Majeftie would be plea-

sed to dismisſe the Garrisons in *Barwick*, *Carlill*, and the reſt of the borders.

The fourth is obeyed by the Generall his ſurrender, which he had preſſed many times before.

To the fifth, The Town of *Edinburgh* pretends by their Rights and Charters granted from his Majeſties Predeceſſours, a power to fortiſie *Leith*, which muſt be diſcuſſed before it be taken away. And yet for to ſhew their readineſſe to give his Majeſtie all contentment, they ſhall before the Parliament, cauſe make a ſlope or two in the Fortifications, which if his Majeſty and Parliament find that they ſhalbe caſten downe, It muſt bee at the Kings Majeſties, and not upon their charges.

To the ſixth, It is denyed that any meetings are keeped, but ſuch as are agreeable to the acts of Parliament: and although wee muſt adhere to our moſt neceſſar and lawfull Covenant, yet (to our knowledge) none hath been urged to ſubſcribe it.

To the ſeventh, It is denyed that any Proteſtation was made againſt his Majeſties gracious declaration of the pacification; but by the contrair, both at *Dunce* and *Edinburgh* publick thanſgiving was given, with a Declaration that we adhere to the Aſſembly.

To the eighth, it is answered, that wee could not paſſe by the citation of Biſhops to the Aſſembly without proteſtation, ſeeing our ſilence might have inferred us to have acknowledged them to be members of the Aſſemblic.

To the ninth, there was nothing proteſted againſt the Seſſion to inferre any claime, that any Subject, or all the Subjects hath power to hinder or diſcharge them: but onely in reſpect of the times, when neither the Liedges could attend, neither had they their writs

in readinesse to pursue or defend, they behoved to protest for remeedy of law, in case any thing should bee done to their prejudice.

To the tenth, we know no such seditious Ministers: and when any Ministers alleadged seditious, shall bee called before the Judge ordinar, they shall be punished according to justice.

To the eleventh, wee know none of his Majesties good Subjects, who are now deterred or threatened, nor do we allow that any should bee troubled, otherwayes then by order of law, and if any feare themselves, there is an ordinar way in justice, which they may use: And if under the name of good subjects, be meant excommunicat persons, who by the Laws of this Countrey should bee rebels, and captioned against them, which hath been desired by the Kirk and Countrey, and refused, and who also are the authours of all the evils have come upon this Kingdom, none can give assurance for their indemnity, who stands thus guilty and odious to the whole people.

To the twelfth, it is answered in the answer to the sixth.

To the thirteenth, the reason that the Magistrats of *Edinburgh* did not go on in the strictest way of justice in that businesse, was, because the Lord Thesaurer thought that the too strict going on in that matter, might hinder his Majesties better service. Likeas the Magistrates used all possible diligence to try who were the actours, and having examined diverse of them, who were alleadged to have been of that number, they all denied, and no proof could bee had against them: One whereof was *the wife at the neather Bow*, and one *Little a Barbour*.

To the fourteenth, this is denied, because to our knowledge no such exception hath been at any of these elections.

To the fifteenth, there are none who are alleadged to have railed either in streets, or in the Pulpits, who shall not bee made answerable and lyable to the law, for what they have spoken, when they shall bee accused before the judge ordinar.

To the sixteenth, it is denied.

The seventeenth, *Balmerinoch* was already cleared, that he was not the cause of their stay; and those that did stop them, did it for the reasons contained in the paper herewith given in.

To the last, as we are most unwilling to fall upon any question, which may seeme to import the least contradiction with his Majestie, so if it had not been the trust which wee gave to the relation of our Commissioners, who did report to us his Majesties gracious expressions related daily to us at *Dunee*, and put in note by many of our number, which were a great deal more satisfactorie to us then the written Declaration; the same would not have been acceptable, which did call the Assembly pretended, our humble and loyall proceedings, disorders, our courses disagreeable to Monarchicall government: nor the castle of *Edinburgh* randed (which was onely taken for the safetie of the towne of *Edinburgh*) simply, without assurance by writ, of their indemnitie, except for the trust we reposed in their relation, and confidence in his Majesties royall word, which we beleve they did not forget, but will bring those who did heare the treatie to a right remembrance thereof, which paper was onely written for that cause, lest either his
Majestie

Majestie or his Subjects should averre that they spake anything without warrant.

After these answers were received by his Majestie, and our petition of an Assembly and Parliament granted, wee never did fear or imagine, that we should be challenged any more of not performing on our part the articles of pacification, yet is the accusation now renewed more odiously then before, and our answers suppressed, as if they never had been made or received; which layeth a necessity on us to take a second view of both, that our fidelitie in performing what in the integritie of our hearts was promised, and our detestation of the wickednesse of falsehood and breach of faith; as contrarie to the clear and round dealing of our progenitors, to the nature of the cause, and truth, for which we have run the hazard of all that we are and have in the world, and to the duetie of faithfull Subjects, may be known to all men, who will not turn their back upon the Sunne, and love not darknesse more then light.

How far we were from any scandalous protestation, tending to his Majesties dishonour, or to encourage the Subjects to mutinie (with which we are burthened at the publishing of his Majesties will at the Camp, before the disbanding of our forces) and how unjustly this is laid to our charge, will appear by the naked representation of what passed at that time: First, we witnessed our thankfulness for his Majesties justice and goodnesse, and next our care to keep our selves from perfidiousnesse against God; which cannot be dishonourable to the civil government; and whereof our Commissioners made open profession before his Majestie: Nothing was done at this time, which was not done before at his Majesties Camp, and
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which was not very many times acknowledged after by his Majesties Commissioner in the Assembly: But the Paper will best speak truth.

*Information against all mistaking of his
Majesties Declaration.*

LEst his Majesties Declaration of the date 18 June, containing the answer to our humble desires presented by our Commissioners, should bee either mistaken by the well affected, or wilfully misconstrued by the malicious, whereby his Majesties justice and goodnesse may be concealed, or his Majesties good Subjects may appeare to have done or admitted any point contrair to their solemne oath and Covenant. The *Generall, Noblemen, Barons, Burgeses, Ministers, and Officers*, convened at *Dunee* before the dissolving of the Armie, have thought necessarie to put in writ, what was related to them by the Commissioners from his Majestie: To wit, that as his Majestie declared that he could not acknowledge nor approve the late generall Assembly at *Glasgow*; for which cause it is called in his Majesties Declaration, *A pretended Assembly*: So was it not his Majesties minde, that any of the petitioners by their acceptance of the said Declaration should be thoght to disapprove or part from the same, or condemne their owne proceedings as disorders and disobedient courses; And therefore as they dointreat all his Majesties good Subjects, with most submissive and heartie thanksgiving, to acknowledge and confesse his Majesties favour, in inditing a free Assembly
to

to be kept August 6. and a Parliament August 20. for ratifying of what shall be concluded in the Assembly, as the proper and most powerfull means to settle this Kirk and Kingdome: So would they have all his Majesties Subjects to know, that by accepting the said Declaration, and articles of pacification joyned therewith, they did not in any sort or degree disclaime or disavow the said Assembly, but that they still stand oblidged to adhere thereunto, and to obey and maintain the same; and for preventing all mistaking and misconstruction, that so much be made known to all persons, and in all places, where his Majesties declaration shall be published, which as it is his Majesties own minde expressed diverse times to our Commissioners; so are we assured, that it will serve much for his Majesties honour, for the satisfaction of the godly, and for the promoting of this blessed pacification, for which all of us ought earnestly to pray to God, to remember also our late oath, and Covenant, and to walk worthie of it: And to beseech the Lord that by the approaching Assembly and Parliament, Religion and righteousness may be established in the land.

2. The paper containing some of his Majesties expressions in the time of the Treatie, which were put in the hands of the English and others, and which we have remembered before in the own place, hath suffered innocently. For first, it was the mean that brought about the pacification, and gave some satisfaction to his Majesties Subjects, against certain words and clauses of the Declaration, which without that mitigation they would never have been able to digest. 2. It did bear nothing contrarie to the articles of pacification, but was a mollifying of his

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Majesties Declaration, that it might be the more readie received by the Subject. 3. It had been extreame and more then imaginable impudencie, to put in the hands of the English Nobilitie, a paper professing what was openly spoken a little before in their own hearing, that it might be remembred afterward, as occasion should serve, and yet containing untruths, and seditious positions contrary to all that was done for peace. 4. When there was great murmuring, and many exceptions taken at the words of the Declaration, our Commissioners were carefull to remember every lenifying sentence and word, which proceeded from his Majesties mouth, and the hearers were no lesse carefull to note all with their pens, which was by them related, every man according as he was able to conceive. And thus at first there were relations somewhat different one from another both in word and writ (an evil very ordinarie at such times;) till our Commissioners joyning, did bring all to their remembrance, that neither more nor lesse might be written, then was spoken, and what was written, might be delivered to some of the English, ad futuram rei memoriam: One thing, it may be, hath fallen further contrarie to his Majesties desire, that the paper hath come to the knowledge of strangers, which wee may aver hath not been done by us, and which was impossible for us to avoid: for our Commissioners to bring about the desired peace, could not in their relations conceal his Majesties favourable expressions, and those intended for our own tranquility coming in so many hands at home, have possibly been divulged, and unnecessarily carried abroad, contrary to our intentions and desires. This in the simplicity of our hearts, we declare to be the plain truth of that which hath been before, and is now so much noised. And it is very likely that the smoak of the fire, and the hand

hand of the hang-man, have carried it to the knowledge of many, who would never have heard of it by the breaths or hands of others.

3. As in gathering our forces, our designe was for our own defence, & for his Majesties honor, which would be speedily discerned if the enemies of this Kingdome, who are taken for friends to the King, were put to the tryal with us in another cause, that did touch his Majesties honour: So did we within the space of 48 houres, the time appointed by his Majesty, dissolve our army, and upon his Majesties advertisement, did also disband that one Regiment spoken of before in our first answers. Concerning the Officers we were carefull, both to observe that article of the pacification to his Majestie, and also to keep promise to them, which did binde us, not to hold them in militarie pay, but to vouchsafethem entertainment, till they should be restored to their own, or called to other service, which ought not to be taken for any breach, contempt, or disobedience, but for an observation of the law of nature, and common equitie; they being our own natives, and having forsaken their places and means for defence of us, and their native Countrey. Lesse then this neither could they expect nor wee performe, although the peace had been most firmly settled.

4. All Forts and Castles were speedily restored, and more strong and in better condition then before, although they be now used for a terrour and for invasion against us: the whole Ordinance put in the own place, with the ammunition, except a few Musquets, and a little not considerable quantitie of powder, which was spent, and yet remitted to compt and reckoning. All fortifications did desist: Some part of the fortification of Leith was demolished for his Majesties satisfaction, and the whole remitted by his Majestie to the town of Edinburgh, as having right to the same.

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5 The nature and necessitie of our meetings was represented to his Majestie at the pacification, we had neither keepest any before nor have keepest since, but such as are warranted by the acts of Parliament, law of nations, and by his Majesties own permission for mutuall relief of our burthens, which by this threatned invasion grow greater every day, wherein nothing is done which either belongeth to the ordinarie judicatories of Councel or Session, or which tendeth to the vexation of any of his Majesties Subjects, but consultations had for our necessarie defence, and such admitted to joyne with us, as willingly offer themselves, after their straying from us, and from the cause, which they now acknowledge they ought from the beginning to have maintained with us.

6 We remember of no other fortification mentioned in the Treatie to be demolished, but that of Leith; neither doe we understand what is meant by this sixth accusation; having given obedience in the greater, wee would not have failed in the lesser to give all content.

7. Some of the non-covenanters have not indeede entered in the possession of the houses and lands of his Majesties good Subjects, which in the beginning they projected for themselves in the fancies of their heads, and earthlines of their hearts, yet none (to our knowledge) have been impeded after the pacification, to returne to their own houses, and to live in peace, although their provocations by secret dealing and writing against us, and by their dayly boasting and raylings have been many, whereof they will then repent themselves, as others have done, when they shall see their own follies and wanderings, as birds from their nests.

8. It is manifest by the eight article of this Manifesto, that the Kings Majesty is highly wronged in his honour,
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by such perverse instruments, as have their hand in works of this kind against his loyall and loving Subjects : For where his Majesty at the Camp was graciously pleased upon good reason, and at the desire of our Commissioners to command the blotting of a clause out of the Declaration, in these words, For the Reasons contained in our former Proclamations; which how materiall and important it was, so many as are acquainted with those Proclamations, can easily judge. And likewise the Declaration was signed without it by his Majesties hand, and now pag. 7. is printed without that clause, for there it had been palpable yet in this our accusation, this contentious pen, hath dared against his Majesties mind to foyst and stuff in these words again, that hee may make matters worse then they were at the beginning : It would appear that he hath not been wel pleased with the blurring of the first draught, and that either the malice of his heart, or the conceptions of his brain swey him more then the Kings will, or the good of the King and Kingdome. It is here laid to our charge, that the Subjects have been pressed by us, to sweare and subscribe the acts of the Assembly at Glaisgow, but the truth is, whatsoever was the power of the Kirk to presse that oath and subscription in an Ecclesiasticall way, yet no man de facto was urged unto it : Some prevaricators who would have cheated us, have been refused, but none have been pressed. What is objected concerning that tumult of some people in Edinburgh against the Lord The-saurer, and others, is answered before.

9. Concerning the freedome of the Assembly at Edinburgh, called by his Majesties authority : It was acknowledged by his Majestie, that what questions might arise about the matters, members, or manner of the Assembly, should be determined by the Assembly it self, as the onelie

proper judicature; and his Majesties Commissioner in his name did openly consent to the constitution of the Assembly, in all the members thereof upon the sight of their Commissions. All which were publickly read, and to all the acts of the Assembly, from the first to the last, and particularly to the act August 17. Declaring the government of the Kirk by bishops, to be contrair to the Confession of Faith and constitutions of this Kirk, and to the act which declared some former Assemblies to be null amongst many other reasons; upon this ground, that Prelats without any warrant from the Kirk, were admitted to be members thereof: Yet there be here two pretents alleadged against the freedome of the Assembly at Edinburgh, the one untrue de facto, for no such wayes were used before the Assembly, nor any such thing objected by his Majesties Commissioner in the Assembly; the other unjust de jure, that the prelats were not admitted to be members of the Assembly; although at the time of the treatie his Majestie did not expect that they should be admitted, and yet resolved to grant a free Assembly; By which it is now too manifest what his Majesties minde is both of the late Assembly at Edinburgh, which yet was called by his Majesties authoritie, and countenanced by his Commissioner, and of Episcopacie, although removed out of this Kirk by the consent of his Majesties Commissioner: And by which every man may easily judge, whether the matters of Religion and the Kirk be settled and secured, as is pretended by our adversaries, going about to work division. This is the prevailing power of our enemies, without respect to the Kings honour, or to common truth and honesty: that what was done before by his Majesties consent, may be undone, and that the pacification no more have place, but all may be involved in a bloody warre: The ground
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of pacification was a free Assembly and Parliament : Now the one although peaceably closed is denied to be free, and the other is hereby declared to be unprofitable for the good of the Kirk.

10. The distinction made by the writer of the Declaration; of Traitors to God and to the Countrey, upon the one side, and Traitors to the King, on the other side, deserveth no thanks from the King, nor approbation from any good and wise Subject. It is evil policie, and worse divinitie: for Traitors to God and their Countrey, must be Traitors to the King; and such as are faithfull to God and the Countrey, must be the Kings best Subjects: He is the greatest Traitor, who laboureth to divide the three whom the first hath so nearly joyned. The right of his Majesties Crowne and the acts of Parliament command all the Subjects to rise with their King, and to assist him when he riseth for God and the Countrey: But no right nor act of Parliament forbiddeth to stand for God and the Countrey in the case of publick invasion. To strike upon this string were to fall in the fault which we have even now reprov'd, and will never fill the ears of the King and the Subject with a pleasant harmonie. We onely declare that whatsoever have been the merits of those who have gone out from us, and have wrought division between the King and the Countrey, we neither have pretended nor have threatned to proceed with censures against them; their complaints arise not from us, but from their own fears and furies within, which begin to waken and vex them.

11 It was farre from our thoughts to usurpe any part of his Majesties royall power, in discharging the attendance of his Majesties Subjects at the Session, which wee never did call in question; we did onely in such an exigent

gent and extremitie, modestly protest for indemnitie, if any sentence should passe against us, for whom it was impossible to attend; as is evident by the words of the Protestation it self, as followeth:

ANd seeing the Session is now appointed to sit down, which tendeth to the prejudice of his Majesties Subjects, who lately have been so busied in their preparations for the defence of the Religion and countrey, that they are now necessarily retired to their own dwellings, for settling of their privat affaires, that they cannot be tymously advertised to attend any Law-businesse, without greater prejudice then benefite; and that the best part of the Lieges have so secured their Evidents, that the same cannot bee in readinesse in this short time of Session. Therefore, and in respect the down-sitting of the Session now cannot be otherwayes intimate unto them, but upon forty dayes, whereas there are onely twenty dayes to runne after the appointed day of this meeting: Wee protest that all members of the Colledge of Justice, and all his Majesties Lieges are in *bona fide* not to attend this Session, but that all acts, sentences, decreets and interloquutors to be given and pronounced against them, (if any shalbe) are in the selfe, null, voyde, and ineffectuall, suchlike as if the same had never been given nor pronounced, and protest for remeed of Law against the same and every one of them.

Having now the second time cleared our proceedings of unjust imputations, and our deportments of ingratitude and insolencie, the order of the Declaration draweth us on immediatly to the proceedings of the Parliament

ment which we will follow, how soon we have truly represented some of our proceedings in the Assembly indicted by his Majestie, and holden at Edinburgh, August 12. 1640. All which are past in silence by the Declaration, but in so far as they are taxed by the way in the ninth pretended breach; but cannot be pratermitted by us, because they are the greater and more substantiall part of our proceedings, which we desire may be known to all men. And because a free Assembly was at first the one half of our humble desires, and since the closing of the Assembly, the securing of our Religion, and the adding of the civill sanction in Parliament to the acts of the Assembly, hath been the greatest thing that we have petitioned, for obtaining whereof, the Commissioners of the Generall Assembly did attend the Parliament after the sitting thereof. Some few of many are here remembered.

After the Assembly was convened, and his Majesties Commission read; excusing the absence of his Royall person in these words: quod quidem gravissimis maximique momenti negotiis, reditum nostrum in Angliam urgentibus impediti jam præstare non possumus, See pag. 24. and granting as full power to his Commissioner to doe, as if his Majesty had been present in person, in these words: Sicuti nos facere potuissimus, si in nostra sacratissima persona adfessumus, secundum Ecclesiæ consuetudinem legesq; prædicti antiqui regni nostri. And after the Assembly was constitute in all the members, & some ordinary matters dispatched, there were many speeches & deliberations in the Assembly, for settling the peace of the Kirk in such a way as might both preserve the liberties of the Kirk, & give his Majesty best satisfaction, all which ended unanimously in the act following, Sess. 8. August 17.

THe Kings Majestie having graciously declared, that it is his Royall will and pleasure, that all questio is about Religion, and matters Ecclesiastical, be determined by the Assemblies of the Kirk, having also by publick Proclamation, indicted this free Nationall Assembly, for settling the present distractions of this Kirk, and for establishing a perfect peace against such divisions and disorders as have been sore displeasing to his Majesty, and grievous to all his good Subjects. And now his Majesties Commissioner, *John Earle of Traquair*, instructed and authorized with a full Commission, being present and sitting in this Assembly now fully convened, and orderly constitute in all the members thereof, according to the order of this Kirk, having at large declared his Majesties zeale to the reformed Religion, and his Royall care and tender affection to this Kirk, where his Majestie had both his birth and Baptisme, his great displeasure at the manifold distractions and divisions of this Kirk and Kingdome, and his desires to have all our wounds perfectly cured with a fair and fatherly hand. And although in the way approved by this Kirk, tryall hath been taken in former Assemblies before, from the Kirk Registers, to our full satisfaction; yet the Commissioners Grace, making particular inquiry from the members of the Assembly, now solemnly convened concerning the true and reall causes of so many and great evils, as this time past, had so sore troubled the peace, of this Kirk and Kingdome. It was represented to his Majesties Commissioner by this Assembly, that beside many other, The maine and most materiall causes were,

First

First, the pressing of this Kirk by Prelats, with a Service booke, or booke of Common prayer, without direction or warrant from the Kirk, and containing beside the Popish frame thereof, diverse Popish errors and ceremonies, and the seeds of manifold grosse superstitions and idolatry, with a book of Canons, without warrant or direction from the Generall Assembly, establishing a tyrannicall power over the Kirk, in the person of Bishops, and over-throwing the whole discipline and government of the Kirk by Assemblies, With a book of consecration and ordination, without warrant of authoritie Civill or Ecclesiasticall, appointing offices in the house of God, which are not warranted by the word of God, and repugnant to the discipline and acts of our Kirk, and with the high Commission, erected without the consent of this Kirk, subverting the Jurisdiction and ordinary Judicatories of this Kirk, and giving to persons meerely Ecclesiasticall, the power of both swords, and to persons meerely Civill, the power of the keyes and Kirk censures. *A second cause* was the articles of *Perth*, viz. the observation of Festivall dayes, kneeling at the Communion, confirmation, administration of the Sacraments in private places, which were brought in by a null Assembly, and are contrary to the Confession of Faith, as it was meant and subscribed *anno* 1580. and diverse times since; and to the order and constitution of this Kirk. *Thirdly*, the change of the government of the Kirk from the Assemblies of the Kirk; to the persons of some Kirk-men, usurping prioritie and power over their brethren, by the way, and under the name of Episcopall government, against the Confession of Faith 1580. against the order set down in the booke of Po-

licie', and against the intention and constitution of this Kirk from the beginning. *Fourthly*, the civill places and power of Kirkmen^l, their sitting in Session, Councell and Exchequer, their ryding, sitting and voycing in Parliament, and their sitting on the bench as Iustices of Peace, which according to the constitutions of this Kirk, are incompatible with their spirituall function, lift them up above their brethren in worldly pompe, and do tend to the hinderance of the Ministry. *Fifthly*, the keeping and authorizing corrupt Assemblies at *Linlithgow* 1606. and 1608. At *Glasgow* 1610. At *Aberdeen* 1616. At *Saint Androes* 1617. At *Perth* 1618. which are null and unlawfull, as being called and constitute quite contrair to the order and constitution of this Kirk, received and practised ever since the Reformation of Religion, and withal labouring to introduce novations into this Kirk, against the order and Religion established.

A *sixt cause*, is the want of lawfull and free Assemblies, rightly constitute of Pastours, Doctors and Elders yeerely, or oftener *pro re nata*, according to the libertie of this Kirk expressed in the booke of Politie, and acknowledged in the act of Parliament 1592.

After which, the whole assembly in one heart and voice, did declare, that these and such other, proceeding from the neglect and breach of the Nationall Covenant of this Kirk and Kingdome, made *anno* 1580, have been indeed the true and maine causes of all our evils and distractions. And therefore ordaine, according to the constitutions of the generall assemblies of this Kirk, and upon the grounds *respectivè* above specified. That the foresaid service-booke, bookes of Canons and Ordination, and the high Commission be
still.

still rejected. That the articles of *Perth* bee no more practised; That Episcopall government, and the civil places and power of Kirk, men be holden still as unlawfull in this Kirk, That the above-named pretended assemblies at *Linlithgow* 1606. and 1608. At *Glasgow* 1610. At *Aberdeen* 1616. At *Saint-Andrewes* 1617. At *Perth* 1618. bee heereafter accompted, as null and of none effect. And that for preservation of Religion, and preventing all such evils in time coming, Generall assemblies rightly constitute, as the proper and competent Judge of all matters Ecclesiasticall, heereafter be kept yearly and oftener *pro re nata*, as occasion and necessitie shall require: The necessitie of the occasionall Assemblies being first remonstrate to his Majestie by humble Supplication. As also that Kirk Sessions, Presbyteries, and Synodall Assemblies be constitute and observed according to the order of this Kirk.

After the voicing of this Act, his Majesties Commissioner consented verbally to the said Act, and promised to give in to the Clerk in writ, the declaration of his consent: and that he should ratifie this Act in the ensuing Parliament.

This Act was accompanied with the testimony of two witnesses, Master George Grahame, and Master Alexander Lindsay, the one deposing in the same Session, the other in the next and ninth Session, by their writs given in to the assembly, that they had deep sorrow for exercising the office of Episcopacie in the Diocesse of Orkney, and Dunkeld, against the word of God, the confession of faith, and constitutions of this Kirk, for which they earnestly called for mercy from God, and that they renounced

that office in all time coming : as is expressed at large in their penitentiall bills, put upon record in the books of the assembly.

From this assembly there were two Supplications directed, one to his Majesties Commissioner against a book called A Large Declaration concerning the late tumults in SCOTLAND. After it was examined by the appointment of the assembly, and found to be dishonorable to God, and his true Religion, to this Kirk and Kingdome, and diverse eminent persons in the Kirk and Kingdome, and to be full of lies, in averring known untruths, in wilfull concealing and perverting many truths, in wresting of intentions, words and actions; All which tend after a speciall manner to the dishonour of the Kings Majesty our dread Sovereigne, and of his Majesties high Commissioner the Marques of Hammiltoun, upon whom it is unjustly fathered, as is contained at length and particularly in the censure of the book, registrat in the records of the assembly, which were long here to put in print, and therefore we have only insert the Supplication.

*The Supplication of the Generall Assembly, to his
Majesties Commissioner, against a book
called, A large Declaration.*

WE E the Members of this present Assembly, for our selves, and in name of the severall Presbyteries, Burghes, and Universities, for which we are Commissioners : Resenting the great dishonour done to God, our King, this Kirk, & whole Kingdome, by the book called *a large Declaration*, have heere represented the same to your Grace, and have collected
some,

some, amongst many, of its absurd and grosse passages; That from the consideration thereof, your Grace perceiving the intollerable evils foresaids contained therein, may be pleased to represent the same to our gracious Sovereigne, and in our behalfe humbly to beseech his Majestie (so much wronged by the many foull and false relations, suggested and perswaded to him as trueths, and by stealing the protection of his Royall name and authoritie to the patrocinie of such a book) To be pleased first, to call in the said book, and thereby to shew his dislike thereof: Next, to give commission and warrant to cite all such parties as are either knowne or suspect to have had hand in it; and to appoint such as his Majestie knowes to bee either authors, informers, or any wayes accessarie, being Natives of this Kingdome, To be sent hither to abyde their tryall and censure before the Judge ordinary: And in speciall Master *Walter Balcanquell*, now Deane of *Durhame*, who is knowne and hath professed to bee the author, at least avower and maintainer of a great part thereof, That by their exemplar punishment, others may bee deterred from such dangerous courses, as in such a way to raise sedition betwixt the King and his Subjects, Gods honour may be vindicate from so high contempt, his Majesties Justice may appeare not onely in censuring such malefactours, but in discouraging all such under-myners of his Throne, his loyall and loving Subjects shall be infinitely contented to bee cleared before the world of so false and unjust imputations, and will live hereafter in the greater security, when so dangerous a course of sedition is prevented. And so will have the greater and greater cause to pray for his Majesties long and prosperous reigne.

The

The Supplication was received by his Majesties Commissioner, and read in Councell, and promise was given to impart the same to his Majesty, and to return his Majesties answer.

Another Supplication was directed from the assembly to his Majesties Commissioner, and the Lords of Secret Councell, concerning the subscribing of the Covenant, which together with the acts of Councell and assembly, ordaining the same to be universally subscribed, and with the Lord Commissioners particular declarations, touching the act August 17. and touching the subscribing of the Covenant, we have now from the Registers of the Kirk put in print, that all men knowing our proceedings, may have their scruples removed, and may with equall judgment consider how far we are wronged.

*The Supplication of the Generall Assembly, to
his Majesties Commissioner, and Lords
of Secret Councell:*

WEE the Generall Assembly, considering with all humble and thankfull acknowledgement, the many recent favours bestowed upon us by his Majestie, and that there resteth nothing for crowning of his Majesties incomparable goodnesse towards us, but that all the members of this Church and Kingdome be joyned in one and the same Confession and Covenant with God, with the Kings Majestie, and amongst ourselves, and conceiving the maine lett and impediment of this so good a worke, and so much wished by all, to have been the informations made to his Majestie of our intentions, to shake off civill and duetifull obedience,

ence, due to Sovereignty, and to diminish the Kings
 greatnesse and authoritie, and being most willing and
 desirous to remove this and all such impediments
 which may hinder and impede so full and perfect an
 union, and for clearing of our loyalties We in our own
 names, and in name of all the rest of the Subjects and
 Congregations whom we represent, do now in all hu-
 militie remonstrat to your Grace, his Majesties Com-
 missioner, and to the Lords of his Majesties most ho-
 nourable privie Councell, and declares before God
 and the World, that we never had, nor have any
 thought of with-drawing ourselves from that humble
 and dutifull subjection and obedience to his Majestie
 & to his government, which by the descent, and under
 the reigne of 107. Kings, is most chearfully acknow-
 ledged by us and our Predecessours: And that we
 never had, nor have any intencion or desire to attempt
 any thing that may tend to the dishonour of God, or
 the diminution of the Kings greatnes and authorities
 But on the contrair, acknowledging our quietnes, sta-
 bilitie and happinesse, to depend upon the safetie of the
 Kings Majesties person, and maintenance of his great-
 nes and Royall authoritie, as Gods Vice-gerent set o-
 ver us, for the maintenance of Religion, and ministrac-
 on of Justice. We have solemnely sworne, and doe
 sweare, not onely our mutuall concurrence and assi-
 stance for the cause of Religion, and to the uttermost
 of our power, with our meanes and lifes to stand to the
 defence of our dread Sovereigne his person and autho-
 rity, in the preservation and defence of the said true
 Religion, Liberties and Lawes of this Church and
 Kingdome: But also in every cause which may con-
 cerne his Majesties honour, shall according to the
 Lawes of this Kingdome, and the dutie of good Sub-
 jects,

jects concur with our friends and followers in quiet manner, or in armes, as wee shall be requyred of his Majestie, his Councell, or any having his authority: and therefore being most desirous to clear our selves of all imputations of this kind, and following the laudable example of our Predecessours 1589. doe most humbly supplicate your Grace, his Majesties Commissioner, and the Lords of his Majesties most honourable Privy Councell, To enjoyne by act of Councell, that this Confession and Covenant, which as a testimony of our fidelitie to God, and loyaltie to our King, wee have subscribed, Be subscribed by all his Majesties subjects of what rank and quality soever.

The act of Councell containing the answer of the Supplication abovewritten, at Edinburgh August 30. 1639.

THE which day in presence of the Lord Commissioner, and Lords of Privy Councell, compeered personally *John Earle of Rothes, James Earle of Montrose, John Lord Lowdown, Sir George Stirling of Keir Knight, Sir William Dowglas of Caveris Knight, Sir Henry Wood of Bonitown Knight, John Smyth Burgesse of Edinburgh, Master Robert Barclay Provest of Irving, Master Alexander Henderfoun Minister at Edinburgh, and Master Archibald Johnston, Clerke to the Generall Assembly:* and in name of the present sitting Generall Assembly, gave in to the Lord Commissioner, and Lords of Privy Councell, the petition abovewritten, *Wee the Generall assembly considering with all humble, &c.* which being heard, read, & considered by the saids Lords, they have ordained & ordain the same to be insert & registrat in the books of privy Councell, and according to the desire thereof, ordaine the said Confession and Covenant to be subscribed in time coming

ming, by all his Majesties Subjects of this Kingdome, of what rank and qualitie soever.

The same day his Majesties Commissioner after his entry in the assembly, delivered himself by word to this meaning

We have received the supplication of the Assembly, desiring that the Covenant may receive the force of an act of Council to be subscribed by all his Majesties subjects. We have found the desire so fair and reasonable, that wee conceived our selves bound in duety to grant the same, & thereupon have made an act of Councell to that effect. There rests now the act of assembly, concerning which I am so fully satisfied my self, that I come now as his Majesties Commissioner to consent fully unto it: and am most willing that it be enacted here in this Assembly, to oblige all his Majesties subjects to subscribe the said Covenant, with the assemblies explanation. And because there is a third thing also desired; my subscription as the Kings Commissioner unto the Covenant, this I must do with a declaration in writ. As a subject I will subscribe as strictly as any other man, with the assemblies declaration; but as his Majesties Commissioner I must prefixe to my subscription, the declaration following; of which no *Scottish* subject shal have the benefit, no nor my selfe as Earle of *Traquair*.

The declaration of his Majesties Commissioner concerning the subscribing of the Covenant.

SEing this Assembly according to the laudable forme & custome heretofore kept in the like cases, hath in a humble and dutifull way, supplicat to us his Majesties Commissioner, & the Lords of his Majesties most honorable privy Councell, that the Covenant with the explanation of the assembly might be subscribed, & to that effect that all the subjects of this Kingdome by act

of Concell, bee required to doe the same. And that therein for vindicating themselves from all suspitions of disloyaltie, or derogating from the greatnes and authority of our dread Sovereigne, have therewith added a clause whereby this Covenant is declared one in substance with that which was subscribed by his Majesties Father of blessed memory 1580. 1581. 1590. and often since renewed. Therefore I as his Majesties Commissioner, for the full satisfaction of the subject, and for settling a perfect peace in Church and Kingdome, doe according to my foresaid declaration and subscription subjoynd to the act of this assembly of the date the 17. of this instant, Allow and consent, that the Covenant be subscribed throughout all this Kingdome, In witnes whereof I have subscribed the premisses.

The Lord Commissioner his Declaration concerning the act of the assembly August 17.

I John Earle of Traquair, his Majesties Commissioner in this present assembly, do in his Majesties name declare, that notwithstanding of his Majesties owne inclination, and many other grave and weightie considerations, Yet such is his Majesties incomparable goodness, that for settling the present distractions, and giving full satisfaction to the Subjects, he doeth allow: Likas I his Majesties Commissioner doe consent to the foresaid act, and have subscribed the premisses.

The Lord Commissioner his declaration concerning practises outwith the Kingdome, contrary to the premisses.

IT is alwayes hereby declared by me his Majesties Commissioner, that the practise of the premisses prohibited within this Kirk and Kingdome, outwith the Kingdome of Scotland, shal neither bind nor inferre censure against the practises outwith the Kingdome.

This

This last declaration was not approved by the assembly, and therefore was insert in the Register only recitatively as was then declared when his Majesties Commissioners required that it might be put upon record.

The act of the assembly, ordaining by Ecclesiasticall authority, the Covenant to be subscribed.

THE assembly considering the great happinesse which may flow from a full and perfect union of this Kirk and Kingdome, by joyning of all in one and the same Covenant with God, with the Kings Majestie, and amongst our selves. Having by our great oath declared the uprightnesse and loyaltie of our intencions in all our proceedings, and having withall supplicated his Majesties high Commissioner, and the Lords of his Majesties honourable Privy Councell, to enjohne by Act of Councell, all the Lieges in time coming, to subscribe the Confession of Faith and Covenant, which as a testimony of our fidelity to God, and loyalty to our King, We have subscribed. And seeing his Majesties high Commissioner, and the Lords of his Majesties honourable Privy Councell, have granted the desire of our Supplication, Ordaining by civill authority all his Majesties Lieges in time coming to subscribe the said Covenant, that our union may be the more full and perfect, Wee by our act and constitution Ecclesiasticall, doe approve the foresaid Covenant in all the heads and clauses thereof. And ordaines of new, under all Ecclesiastick censure, That all Masters of Universities, Colledges and Schooles, All Schollers at the passing of their degrees, All persons suspect of Papistrie, or any other error. And finally, all the members of this Kirk and Kingdome, Subscribe the same, with these words prefixed to their subscription: *The article*

of this Covenant, which was at the first subscription referred to the determination of the Generall Assembly being determined. And thereby the Five Articles of Perth, The government of the Kirk by Bishops, The civill places and power of Kirkmen upon the reasons and grounds contained in the acts of the Generall Assembly declared to be unlawfull within this Kirk : Wee subscribe according to the determination foresaid. And ordaine the Covenant with this Declaration, to be insert in the Registers of the Assembly of this Kirk, General, Provincial, & Presbyteriall, *ad perpetuam rei memoriam*. And in all humility supplicates his Majesties high Commissioner, and the honourable Estates of Parliament, by their authority, To ratifie and enioyne the same under all civill paines, which will tend to the glory of God, preservation of Religion, the Kings Majesties honour, and perfect peace of this Kirk and Kingdome.

Those and other Ecclesiasticall matters being debated, and with the approbation and consent of his Majesties Commissioner peaceably determined in the Assembly, We found our selves bound to render thanks to God for his great mercy, and to the Kings Majesty for his Royall favour to this Kirk and Kingdome, fearing nothing lesse then the challenge of insolencie or sedition, and filled with hope that the Parliament now approaching, should ratifie what was universally and with the lyking of his Majesties Commissioner concluded in the Assembly ; The Assembly gave thanks for what they had received and petitioned again, What was promised by his Majesty, and certainly expected by all his Majesties Subjects : This thankesgiving and petition delivered to his Majesty by our Commissioners, was in this manner :

MOST GRACIOUS SOVERAIGNE,

WE your Majesties most humble and loyall subjects the Commissioners from all the parts of this your Majesties ancient and native Kingdome, and members of the Nationall Assembly convened at *Edinburgh* by your Majesties speciall indiction, and honoured with the presence of your Majesties high Commissioner: Have been waiting for a day of rejoycing, and of solemne thanksgiving to be rendred to God by this whole Kirk and Kingdome, for giving us a King so just and religious, that it is not onely lawfull for us to be Christians under your Majesties government, which sometime hath beene the greatest praise of great Princes: But also that it hath pleased your gracious Majesty to make knowne, That it is your Royall will and pleasure, that all matters Ecclesiasticall be determined in free Nationall Assemblies, and matters civill in Parliaments, which is a most noble and ample expression of your Majesties Justice, and we trust shall be a powerfull meane of our common happinesse under your Majesties most blessed reigne. In the meane while wee doe most humbly upon the knees of our hearts, blesse your Majesty for that happinesse already begun in the late Assembly at *Edinburgh*; in the proceedings whereof, next under God we have laboured to approve our selves unto your Majesties Vicegerent, as if your Majesties eyes had been upon us, which was the desire of our soules, and would have been the matter of our full rejoycing, and doe still continue your Majesties most humble Supplicants for your Majesties civill sanction and ratification of the constitutions of the Assembly in Parliament, that your Majesties Princely power, and the Ecclesiasticall authority joyning in one the mutuall embracements of Religion and Justice

Justice of truth and peace may be seene in this Land ; which shall be to us as a resurrection from the dead : And shall make us, being not onely so far recovered, but also revived, to fill Heaven and earth with our praises ; And to pray that King CHARLES may bee more and more blessed, and his Throne established before the Lord for ever.

By which it may appeare, that we were not unthankfull for his Majesties Justice and goodnesse, that we were not conscient to our selves of any wilfull breach, and that therefore we were confident of the crowning of the Work in Parliament; wherein what our carriage was, will now be made manifest by the relation and proceedings of our Commissioners sent from the Parliament to the King, against all that hath been, or can be imputed unto us; In the meantime remembreing that we are a Kingdome, and that they are but one subject or two who informe against us. A Kingdome convened in Parliament, which can best judge what is most conduible for our selves and the collective Body, which we represent, and a Kingdome living under our own native King, in whom we have as great interest, as a Kingdome can have in their King, and whom we desire to honour; we cannot dissemble our grief, but are forced so to complain, that in our own Nationall affaires we have not greater credence, regard and power with his Majesty, then all others whatsoever. But this is one evill amongst many that presseth us sore through the want of his Majesties Royall presence amongst us, which we trust will move his Majesty in his fatherly affection, to be the more tender: and all others, remembreing themselves, to be the more equall in their judgment and actions toward us.

O Nothing there is very necessary to be remembred, before we come to the proceedings of our Commissioners, sent from the Parliament to the King: A paper bearing some reasons to prove, that in commanding to swear the Covenant 1580; and 1581. his Majesty that then was, and his Councell, did not intend the abjuration of Episcopacie. This paper although it be come to few hands before this time, yet was it much esteemed by the Author, and therefore was put in his Majesties owne hand, and by his Majesty sent to one of our Ministers, as a strong hold and impregnable strength for Episcopacie, against all that had been done in the Assembly at Glasgow, or was intended in the ensuing Assembly and Parliament. It seemeth indeed to be the last endeavour and assay of our adversaries in that kind, from no small knowledge of the proceedings of this Kirk in former times, and with no lesse artifice and engine set on worke, wherein they will outstrip all that hath been written in the large Declaration, as insisting on things childish and triviall, in comparison of this fine and subtill invention never brought to light before. Thus last breath of Episcopacie expiring in this Kirk, and giving up the ghost, we judged it not convenient to conceale, But have set it downe heere with a solide and modest answer, written at that time when the paper came to our hands, and intended to remoove the scruple out of his Majesties minde, and to show the Author his owne error, if it had been of simplicitie, or if it be wilfull, to convince him the more.

H That

That in commanding to sweare the Covenant 80. and 81. His Majesty that then was, and his Councell, did not intend the abjuration of Episcopacie.

BEcause, but ten yeares before, *vi^z*. In 71. there was a solemne agreement made between the Commissioners of his Majesties Councell, and the Commissioners of the Generall Assembly of the Kirk, That (during the Kings minoritie, or without a contrary order from Parliament) Arch. bishops and Bishops, should continue as before they did: And that in every Metropolitall and Episcopall See, there should be a Deane and a Chapter, and that the bounds of Diocesess should not be confounded. Nay, there was an exact Forme, at that time set down by the said severall Commissioners, and registred in the bookes of Councell for the creating of Bishops after a Protestant manner, *vi^z*. by *Conge d'eslire* to the Deane and Chapter, then a forme of returning the election, with petition to the King for his Royall assent, with commandement to the Arch-Bishop, &c. for consecration, then the Oath the new Bishop was to take before his Majesty, *vi^z*. *That he acknowledged the Kings Majestie Supream Governour of his Realme, as well in things Temporall, as in the conservation, and purgation of Religion* (which differs in wordes from the English Oath of Supremacie, but is in sense the same) *And that he held the said Bishoprick, and the possessions thereof under God onely of his Majesties Crown &c.* Lastly, there was a forme concluded on, for his restitution to his Temporalities.

Now this agreement was in precise termes confirmed

mied by his Majestie and Councell in that selfe same yeere 81. when that Covenant was commanded by them to be sworne by the Subject. So that it cannot be conceived, that his Majesty and Councell should in the same yeere give order to sweare downe Episcopacie, wherein they apparantly took such speciall care to confirme it. And no honest man will deny that the Subject was bound to sweare that Covenant in that sense, and none other, which was agreeable to their intentions who comin in ded it to be sworne.

It is objected, that under those words (*I see abjure, &c. The Popes wicked Hierarchie*), Episcopacie is sworn downe.

R. If by those wordes they will over-throw Episcopacie, I see not but withall they must be forced to confesse, that they have at once abjured both their Presbyters and their Deacons.

For the Councell of *Trent* makes the Hierarchie of the Church to consist of those three Orders; Bishops, Presbyters, and Deacons. Now, if under the word *Hierarchie*, one of these be sworne downe, how can the other two escape? for it consists alike of three, and therefore all three must needs runne the same fortune.

If they reply, that indeed they still retaine *Presbyters* and *Deacons*, but yet so onely as they are ordained in the reformed Churches.

R. The like I reply for *Bishops*, that they were then ordained in a forme allowed by reformed Churches, as this in substance was by the Church of *England*, and in precise rearmes by the Commissioners of the Church of *Scotland*. For it is not probable, that in ten yeeres space, there should bee no Bishoprick voyde, and so

none ordained according to the forme in the Councell Bookes. Nay, it is apparently plaine, that some were so ordained, and took that fore-named Oath, viz. *John Archbishop of Saint Andrewes* in the yeere 72. and *James Bishop of Dunkell* in the yeere 73. as it is registred in the books of Councell: where perhaps others are recorded too.

If they say, That the *Scottish* Bishops must needs be part of the *Popes Hierarchy*, because they succeeded those, and received imposition of hands from those who lived in obedience to the *Pope*.

R. I againe reply, That their *Presbyters* are in the very same case: for, I presume they will not say, but they must needs derive their orders, either from *Bishops* of that obedience, or from *Presbyters* who were ordained by such *Bishops*. Because that seeing in the beginning of the Reformation, there were no other Clergie men in these parts, they must take their orders either from them, or none; for I perswade my self, they will not affirme, That *non Presbyter can ordinare Presbyterum*. Nay as they are learned men, they should not say, but that a Priest ordained by the new Roman Church, if he leave his superstition, and turne Protestant, needs no more ordination to become a *Presbyter* with us.

But what then must be the meaning of those words, *That they abjure the Popes wicked Hierarchy*?

R. As I conceive, the sense of them is plaine from a precedent clause in that Covenant, viz. (*that they abjure the Popes five bastard Sacraments*) and yet I hope, they intended not to sweare out either *Matrimony*, or *holy orders* in generall (which yet are two, as all know, reckoned by that Church amongst her five) but onely they

they abjured those corruptions and superstitious formes which the Romish Church had annexed to these divine Institutions : as in calling them Proper Sacraments.

So when they abjured *his wicked Hierarchy*, they did not sweare out *Bishops*, no more then they did *Presbyters* or *Deacons* : But they abjured the corruptions and superstitious Con-comitants, which the *Pope* had annexed to those holy Callings. V.g. amongst many other abuses, that *Bishops* were constrained to sweare such an obedience and dependence on the *Pope*, as was derogatorie to the supream power of their owne native *Prince*. So that then it was almost an impossible thing to be at once a stout *Prelat*, and a loyall subject. And suppose *Bishops* or *Presbyters* in this treasonable constitution, they were then (no doubt) in that point, the *Popes wicked Hierarchy*, as now they may be the *Consistories*.

All this, I the rather urge, because I conceive, that the acts of King and Councell are the best interpreters of that Covenant, because it was set on foot by authority of King and Councell : for *Quisq; optimus interpretres sui*.

THE ANSWER.

Whether in commanding to sweare the Covenant 1580. and 81. his Majesty that then was, and his Councell, did intend the abjuration of Episcopacie,

IN all commanded oaths and abjurations, a twofold deception is to be avoided; One is, in him who taketh the Oath, that he have no fraudulent intention, contrary to the sound & professed intention of him who tendereth the Oath; otherwise, both Gods Name is taken

in vaine, and our Superiour is deluded. The other is, In him that tendereth the Oath, that hee have not an hid and secret intention, contrair to that which is open and professed. In this case, the regard must be had, not to that which is secret and unknowne, but to that which is professed, and which is knowne to be the true meaning of the words of the Oath.

That abjuration of Episcopacie was professedly intended in the Covenant 1580. and 1581. by his Majestie and his Councell, may be apparant. First, from the words of the Confession commanded to be sworne; where profession is made, that we shall continue in the obedience of the doctrine and discipline of this Church, which discipline at that time was not the government of the Church by Bishops, but by Presbyteries: the whole heads of the policie of the Church, (except such as concerned Patronages, Church rents, and the like) after much agitation from Assembly to Assembly, being agreed upon, not onely by the Generall Assembly, but by his Majesties Councell, Episcopacie being abandoned, and Presbyteriall government established: such as before were called Bishops, being ryed to particular flocks, ordained to be called by their own names and by the name of brethren, and forbidden to usurp the power of Presbyteries, till at last in the Generall Assembly holden at *Dundie*. July 1580. the office of a Bishop was abolished by a particular act, as unlawfull in it self, and Bishops ordained to dimit the same, under the pain of Excommunication: Like as in the Assembly at *Glasgow*, April 1581. the said act was further explained and confirmed: the Kings Commissioner presented to the Assembly the Confession of faith subscribed by his Majesty and his household, together with

a delineation of the bounds of the Presbyterie to be erected, with a Letter to that end for the dissolving of Prelacie, the booke of Policie was insert in the Register of the Church, and the Confession of faith immediatly thereafter ordained to be subscribed according to his Majesties Proclamation. As before the forming of the book of discipline, and the abolishing of Episcopacie; so now the subscription of the Confession of faith, and erection of Presbyteries went on together: In July 1580. Episcopacie was abolished. In January following, the Confession of faith was subscribed by the King and his household, In March it was commanded to be subscribed by the subjects. And in Aprill direction was given by the Assembly for subscription and erection of Presbyteries.

2. The same is manifest from other words of the Confession, wherein the Popes wicked Hierarchie is abjured. It is confessed according to the Councell of *Trent*, that the Popish Hierarchie consisteth of these three orders: Bishops, Presbyters, and Deacons: for neither are the Pope, Primates, Metropolitans, or Archbishops, members of the Hierarchie, but as they are Bishops; neither are the inferiour orders of Subdeacons, Acoluths, Exorcists &c. of the Hierarchie, because they have no rule over the people, but onely serve the Priests and Deacons, which although they be the lowest order in the Hierarchie, yet are they of the Hierarchie by reason of their charge over the people. Hence is it, that in the Confession of faith, the Popes manifold orders are set apart and distinguished from the Popes Hierarchie. This being the Popish Hierarchie abjured by us, it must be interpreted to be as
farre

farre abjured, as by the doctrine and constitution of our Kirk, it is interpreted to be Popish, that is, as it is made up, and doeth consist of these three orders, and therefore the unlawfulness of any one of the orders, maketh the Hierarchy composed of the three, to be unlawfull. It is a paralogisme to argue from our abjuration of the Popish Hierarchy, that wee have at once abjured every member thereof: It is enough that any one member is abjured. Secondly, all the three orders are interpreted to be Popish, in so farre as Bishops the head of the Hierarchy, not onely had their dependance on the Pope, which was an high derogation to the Prince, but also because their office was in it selfe a corruption, it having no warrant in the word of God, which was a dishonour done to the Son of God. And the other two of Presbyters and Deacons, are thought lawfull and warrantable in themselves, interpreted to be Popish, as having Popish corruptions adhering to them: their Presbyters being sacrificing Priests &c. and receiving ordination before and without a calling to a particular charge, and their Deacons admitted to minister Baptisme, and having nothing of the office of a Deacon, as it is institute by the Apostle, and used in the reformed Churches. And therefore the office of Bishops was purged out of this Church, as Popish in it self, and the other two which had degenerated, were purged of their Popish corruptions and abuses, and the office retained according to the first institution and primitive integrity. It is to be observed here, that although this Hierarchy did enter into the Church before the Pope came to his greatnes, yet it is called the Popes Hierarchy, because it was maintained and obruded upon the Church after the mystery began to work, that

is, after Popery began, even as dedicating of Churches, Altars, Dayes, Vowes to creatures, &c. are here called the Popes, although all of these entred not at one time into the Church.

This one ground of trueth furnisheth answer to all objections made in the contrair. The rule and paterne of office bearers in the Church, is to bee learned from Scripture, and not from the example of other reformed Churches, which wee reverence according as they are conforme to that straight rule and first patterne. We doe not abjure Scottish Bishops, because they succeed to Popish Bishops, who lived in obedience to the Pope, and because they received ordination from them: but because although they presume to be the chief office bearers in the house of God, they have no warrant nor authority from God. And therefore it cannot bee inferred that Presbyters and Deacons ought to be abjured, because they received ordination either from popish Bishops, or from Presbyters ordained by such Bishops: for whatsoever be the consecration of the one, or ordination of the other, we still account Episcopacie to be one of the reliques of poperie, and for that cause to be rejected, and the office of Presbyters and Deacons to be a divine Institution, and therefore to be purged, and being purged, to be retained. Where it is objected, That by like reason we might be interpreted to abjure Matrimonie and Orders; because we abjure the Popes five bastard sacraments. This objection were strong, if wee could give no better warrant from Scripture for Matrimonie and Ordination of Ministers, then for Episcopacie: but since these are warranted and not this, the accidentall corruptions of these, and the substance of this ought to be abjured.

3. The intention of authority is manifest by the commanding to subscribe the Confession of faith in the yeare 1590. when we had no Bishops, and after Bishopricks were annexed to the Crown. It is not to be supposed that authority had one intention at this time, and a contrary intention in the yeere 1580. The Kings Majesty that then was, did write and subscribe with his own hand in the margine of a printed Sermon which was preached by *D. Bancroft* at *Pauls crosse*, these words: *My speaking, writing, and actions, were ever one, and without dissembling or bearing up any thing whatsoever, ne quid asperius. IAMES REX.* As the Assembly had the same intention in subscribing the Confession 1581. at the commandment of authority, which they had in the yeere 1590. when they petitioned the Councell for interposing their authority to the subscription: so must we think, that the King and Councell had the same intention at the one time and the other, and that the Councell and Assembly had the same intention at both times, conforme to this intention of the Councell and Assembly, when at any time afterward there was any meaning or motion to bring in Episcopacie again in this Church, the confession of faith was alledged to the contrary, as may be seen by diverse instances.

4. His Majesties intention is further knowne (if there be yet any doubt) by the true commentary thereof in his actions: for after the Assemblies had cast forth Episcopacie, and established presbyteriall government, while they were now about the dividing of the countrey in circuits for presbyteries, the Kings Majesty sent to the Assembly convened at *Glasgow* Aprill 1581. a delineation or plot for this end, and, for the dissolving

solving of Prelacies, and with all the frame of a Letter to bee directed to Noblemen and others for promoting the work, for which the Assembly returned humble thanks to his Majesty. All this was done immediatly after the confession of faith was subscribed by his Majesty and his household in January, and was commanded to bee subscribed by the Subjects in March, so that there can be no question about the intention and meaning of King, Councell and Assembly in the point of the discipline of the Church, mentioned in the confession of faith.

Yet One thing is mainly objected, to prove that his Majestic and his councell did not intend the abjurati-on of Episcopacie: In the yeere 1571. there was a solemne agreement between the Commissioners of his Majesties Councell, and the Commissioners of the Generall Assembly, that during the Kings minoritie, or without a contrary order from Parliament, there should be Archbishops, and Bishops, Deans, Chapters, Abbots, and Priors, their office and forme of election, the oath taken by them at their admission, the restitution to their Temporalities were all particularly agreed upon. This agreement in the yeere 1571, was in precise tearmes confirmed by his Majesty and Councell in the yeere 1581. when the Covenant was commanded to bee sworne by the Subject, and therefore it cannot be conceived, that his Majesty and Councell did in the same yeere give order to abjure Episcopacie, wherein they took such speciall care to confirme it.

Ans. For answering this objection, we are to consider, first, that in the yeere 1571, January 12. there was indeed a convention of Superintendents, Ministers and other Commissioners, for consulting about the go-

vernement of the church; but that convention was not a Generall Assembly of the Church: for the Register calls it onely a Convention, and not an Assembly: the ordinary Assembly was holden at *Saint Andrewes* in the same yeere 1571, March 6. according to the appointment of the Generall Assembly the yeere before. This convention was procured by the Court for worldly ends, especially that titles of Bishops, Abbots and Priors, which were not proper in the persons of Noblemen, might be given to Kirk-men or Ministers, with some small portion of the benefice, that the noble men themselves might reape the benefite of the Rent, which was the cause of the Scottish name of *Tulchan* Bishops at that time, a name not improper for them, a *Tulchan* in our language being the skin of a calfe stuffed with straw, and set up beside the Kow to make her give milk to the owner. 2. Although that convention at *Leith* was not a Generall Assembly, yet did it not appoint those Bishops by it selfe, but gave power to seven of the number, or any foure of them, to conferre with the Regent & some of the Lords of secret Councell, who did agree upon the office of Archbishops and Bishops, Deanes and Chapters within the bounds of Dioceses, &c. which was of lesse authority in a matter of so high importance, then if it had been their own doing. 3. The articles and conclusions agreed upon by the Commissioners of his Majesties Councell, and that convention were not approven in the next ordinary Generall Assembly holden at *Saint Andrewes* March 6. 1571. the Generall Assembly at *Perth* 1572. was not only offended with the names of Archbishops, Deanes, Archdeacons, Chancellours, &c. as sounding to Popery, but also declared that they did not approve that

that order of Church government, but did tolerat the same allanerly, till a more perfect should be obtained, for which they laboured afterward at all occasions. So that the conclusions of that meeting at *Leith*, 1571. never had the authority of this Church, but were disclaimed by it. During the time of this toleration, many complaints were made in the Assemblies against Bishops: and in the yeere 1573. and afterward some were appointed by the Assemblies to conferre with the Regent and Lords of secret Councell, upon the jurisdiction and policie to bee continued and established in the Church, till at last after many disputations and much reasoning, the matter was brought to a finall conclusion, the office of Bishops was abolished, and Presbyteriall government established.

Next concerning the act of Councell in the yeere 1580. confirming the agreement at *Leith*, we answer, 1. That the Councell lawfully could not confirme that agreement, introduce Episcopacie, or change the government of the Kirk, contrary to the acts of so many Generall Assemblies kept from the yeere 1571, to 1580. wherein the policie and government of the Church was so expressly set downe. 2. The act of Councell was never published nor made known to the subject, nor heard of in this cause, till this time, wherein no other thing can be alledged for salving of Episcopacie from abjuration. 3. This act of Councell was posterior to the command for subscribing the confession of faith: for the act was made in October 1581. and the commandement came forth in March, many moneths before. 4. No such intention was professed when the charge was given for subscription, neither could the confession of faith in any sense beare the conclusions

clusions of that agreement: these offices, and the forme of their election being damned as Popish in the Assembly before; no man will marvell much at such an act of Councell, who knoweth what other acts passed that yeere in Councell, and who is not a stranger in the history of that time, the perusall and knowledge whereof will both shew how suddenly Covenants have been broken, and will easily give satisfaction against all mistakings of this kind, to so many as desire to know the truth.

Against this our abjuration of Episcopacie, first and last, our adversaries arise with great hate & strength and fight with tooth and naile: for upon the one hand, Episcopacie must be asserted by no other then by divine right, and Hierarchie maintained not only as tollerable and lawfull, but as necessary and divine; Although before this time, neither our own Doctors and Prelats, nor the English have been so peremptory & bold about this point; for while some of them have maintained Episcopacie by divine authority, yet others have been more ingenuous confessing it only to be grounded upon ancient custome, and therefore to be an humane invention, or Ecclesiastick tradition. And a third sort different from both, will have it to be Apostolick. Again some of them make the forme of Kirk government to be universall and perpetuall, and others hold it to be locall, and conformable to the civill policy; Thus have they been divided one of them from another; But in this exigence and point of time, one must undertake for all to cry up Episcopacie, as coming from Heaven, & not from the earth, even as it hath the altitude of fixed superiority, & the latitude of spirituall jurisdiction. And why? because we have abjured it, and our Assembly.

blies have found it unlawfull in this Kirk: this was their modesty of expression, desiring more to reforme at home, then to be busie abroad, for which they find no more courtesie, nor lesse acerbity of spirit, than if they had given out a generall sentence concerning the government of the Kirk. It is not for us, nor for this naked relation of Truth to enter in dispute, but if our adversaries show not themselves more learned in their arguments, nor they prove skilled in our Kirk government and History, which are the grounds of their vehement exhortation to their Northern brethren, they will be found to have given but words in stead of substance. As our adversaries have risen thus upon the one hand against our abjuration of Episcopacy, by averring it to be of divine authority, that the contradiction in the point of Kirk government may be plain and strong: So do they upon the other hand with all immanity and barbarousnesse against all our treaties and intreaties, constrain our poore Countrey men and women in England and Ireland, to sweare oaths, whereof some covertly, and other expressly carry an abjuration of the Oath and Covenant of Scotland, as damnable and treasonable, although it was sworne at first by the King himself that then was, and is now again subscribed by his Majesties Commissioner in his name, and with his consent ordained to be subscribed by Subjects of all ranks throughout the Kingdome, and therefore may as well be called a Royall as a Popular Covenant: What impiety this is against God, and what provocation of his Justice, what a snare it is to many poore soules, how great dishonour is hereby done to Royall authority by bad counsellours and wicked ministers, and how farre it is from procuring cheerefull obedience, or tying the hearts of people to Soueraignitie, wee leave to be considered, and heartily wish that a more wise,

a more conscionable, and a more effectuell course may be taken for settling the peace of the Kingdom. The words of the Oath which hath been ministred lately, to be signed and sworne by some of our sea faring men, and by them produced before us, we have set downe, and thereafter shall go on to the proceedings of our Commissioners sent to England.

I A. B. one of his Majesties Subjects in the Kingdom of Scotland, doe by these presents signe with my hand, upon my great oath & as I shalbe answerable to God upon my Salvation and Condemnation, retestifie and declare, that *CHARLES* by the grace of God King of Great Britain, France, and Ireland, Defender of the Faith, is my Sovereigne Lord; And that next unto Almighty GOD, and his Sonne *CHRIST IESUS*, He is over all persons within his Majesties Kingdomes and Dominions, and in all causes as well Ecclesiasticall as Civill, supream Governour. To whom, his Heires and Successours I am bound in duty, and alleageance to all obedience, if it were to the losse of my life, estate and fortunes, & doe hereby abjure all combinations, Covenants and Bands that can bee pretended upon pretext of Religion, or Liberty of the Kingdom, and specially the damnable and treasonable Covenant, commonly called the popular Covenant, so much magnified now in Scotland, and do promise never to take Armes against his Majesty, his heirs and successours, offensive or defensive, but to abide constant in alleageance, duety and obedience, which I professe Almighty GOD hath ryed me to, and to do the uttermost of my power against all oppositions whatsoever forrain or home-bred, So help me God.

The proceedings of the
Commissioners sent from the
Parliament of SCOTLAND:
To the KING.

SO soone as our Commissioners got presence, and had the honour to kisse his Majesties hand; they did in all humility represent to his Majestie how grievous it was to his Majesties good Subjects of that his ancient and native Kingdome, that their loyalty should bee called in question; or that their proceeding should be traduced, as trinchng upon his Majesties authoritie, or as contrare to the Laws. And craved a publick hearing before his Majesties Councel of both Kingdomes, for clearing of the justnesse and lawfulnessse of their proceedings, and vindicating them from those unjust aspersions laid upon them by sinister information, and that relation made publickly by the Earle of Traquair, before the whole Councel of England, to their prejudice. And did likewise deliver to his Majestie a thanksgiving from the generall Assembly, containing a supplication for ratifying the conclusions thereof: upon the 20 of Februarie, 1640.

The King commanded that what ever they had to re-
monstrat

monstrat or petition to him, they would present the same in write: And that he would signifie his pleasure to them by the Earle of Traquair, whereupon they gave in the remonstrance or supplication following:

MOIST SACRED SOVERAIGNE,

BEing sent here from the Parliament of Scotland, humbly to remonstrat, that no earthly thing could be more grievous to them, then that their loyaltie should be called in question, or that any such hard impressions should bee given to your Majestie against their proceedings, as trinching upon your Majesties sacred person, and inviolable authoritie, as not warranted by the fundamentall Laws and laudable practises of your Majesties ancient and native Kingdome; or as contrare to the promises & remonstrances which were made to your Majestie by your humble and faithfull Subjects in the truth of their hearts, and were in the same sense graciously accepted by your Majestie: And seeing your Majestie hath out of your goodnesse and justice kept one ear for us, and would not give place to the suggestions and obliquies of any, till the reasons of our proceedings and demands were made known from our selves, who are allowed by your Majesties Royall warrant to come here for that end. Therefore we humbly crave, that your Majestie out of your fatherly care, and tender compassion of your native Subjects, may bee graciously pleased to grant us a full hearing; and to call such as are here, of the Councel of both Kingdomes, that before your Majestie and them, your Majesties Subjects may be vindicated

dieat from these aspersions and imputations wherewith we hear they are charged ; and that we may clear that the desires and proceedings of the Parliament, are so agreeable to the fundamentall Laws and practise of that Kingdome, and to the articles of pacification, as may merit approbation at the throne of your Majesties justice, and procure your Majesties royall commandments for the proceeding of the Parliament; that by the mutuall embracement of Religion, and justice: the peace of the Kirk and Kingdome (whose distressed estate and condition can hardly admit delay) may be established, and the love and chearfull obedience of your Majesties Subjects confirmed and increased.

And lest by occasion of that relation which was publickly made by the Earle of *Traquair*, before your Majestie and your Councel, any prejudicat thought may be harboured in your Majesties royall heart ; and if any hard impressions be given against your Subjects unheard, the same may bee disludged : Wee humbly crave that we may have that relation in the same terms, and as it was then delivered under his hand, which since it is sought, that wee may bee the more able to give all respective satisfaction to your Majesties royall and just commandments, we hope will not be refused : And having once the permission, and happinesse in publick to clear the loyaltie of your Majesties Subjects, and the lawfulnessse of the proceedings of the Parliament, we shall thereafter (lest verball expressions be controverted) be most willing and desirous, according to your Majesties commandments, To receive what ever exceptions, objections, or informations, are made against any of the particular overtures, articles, and

proceedings of the Parliament in writ, and in the same way shall present our answers, and humble desires. And doe humbly crave your Majesties gracious Answer.

Upon the 26. day of Febr: The Earle of Traquair did shew our Commissioners, that it was his Majesties pleasure that they should subscribe the two former petitions given in by them to his Majestie, and that they keep that same way thereafter in all petitions or writs, shall bee by them presented to his Majestie, which accordingly they did: And they required the Earle of Traquair to write and subscribe any direction, or commandment he carried from the King to them, which he did.

Upon the 2. of March, The Earle of Traquair did signify to them under his hand, that it was his Majesties pleasure, that they should attend at the Councell chamber, the next day thereafter, at two of the clock in the afternoone such of the Lords of the Councell, as his Majesty had appointed for that effect. And our Commissioners understanding that the King was going to Hampton-cour, and that the hearing he appointed for them, was onely before these of his Majesties Committe or Joyntes: And being enjoyned by their instructions, not to answer nor acknowledge the Committee, nor no other Judicatorie, desired the Marques of Hammiltoun to shew his Majestie, that they would decline to propound their Desires and reasons of their Demands, or make answer either to the Committee, or any other whatsoever, except to the King their Master, to whom they were sent, which being made knowne to his Majestie, He was graciouslie pleased to delay his going to Hampton till the afternoone, and did heare our Commissioners himself: In whose Royall presence and audience,

(His

(His Majestie having his Committee with him) our Commissioners did cleare us and our proceedings from these unjust aspersions layd upon us, did show what high estimation we had of Soveraigntie, and our constant resolution to stand to the defence of our Religion, and that our Desires, both in matter and manner, are no other, but what we did humbly crave in our former Petitions, and are necessary for establishing Religion and the good and peace of the Kingdome, and are agreeable to the fundamentall Lawes and laudable practises thereof, and to the articles of Pacification, without wronging the Kirk or State, or any wayes trinching upon his Majesties Princely Power and Royall Authoritie. And did therefore crave, that his Majestie would be graciouslie pleased to command the Parliament to proceed and determine, for ratifying the conclusions of the Assembly, and enact such other Statutes, as are necessary for establishing Religion, and settling the peace of the Kingdome: As their speach then spoken, and thereafter given in in writ doth import, as followeth:

SIR, as wee did show in that humble Remonstrance which wee gave your Majestie in writ; That no earthly thing could bee more grievous to your Majesties Subjects, convened by your Royall Authoritie, in the Parliament of Scotland, then that their loyaltie should be called in question, or that any such hard impression should be given against their proceedings, as might derogate from that high estimation which they have of Soveraigntie, and the tender respect they carry to your Majesties inviolable authoritie. So doe wee now acknowledge your Majesties goodnes and justice in keeping one care for us against all suggestions and obloquies, till the reasons of our proceedings and de-

mands were made knowne from our selves, and that your Majestie is graciously pleased to grant us this favour of a full and publick hearing. But because the Parliament of that your Majesties ancient and native Kingdome is independent, and not comptable to any other Judicatorie: Wee hope your Majestie will pardon and allow us to declayne to speake or answere before any of your Majesties Councells, or other Judicatories whatsoever, as these who have any power to judge of the Lawes, actions, or proceedings of the Parliament of that Kingdome: As wee acknowledge your Majesties favour in allowing us to tender the liberties and freedome of your Majesties ancient and native Kingdome: So are wee glad before all the world, to cleare the loyaltie, and lawfulness of their proceedings; and doe congratulate, that your Majestie hath indicted a Parliament heere, who wee hope will advert to the good of Religion, your Majesties honour, and peace of your Dominions, albeit they be not Judges to determine of our actions, which when they shall be knowne to your Majestie, not upon report, but upon true tryall, wee are most confident, will merit approbation at the Throne of your Majesties Justice. But because wee heare that your Majesties good Subjects are traduced as having intention to diminish your Majesties authoritie, and shake off that civill and duetifull obedience due to Sovereignitie.

Therefore before we descend to the particular actions, and articles of the Parliament, for vindicating us from so grievous and foull an imputation, wee doe in our own name, and in name of the Parliament who sent us, Declare before GOD and the world, that we never had, nor have any thought of with-drawing

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our selves from that humble and duetifull subjection and obedience to your Majestie, and your government, which by the descent and raigne of so many Kings is due to your Majestie: And never had nor have any intention or desire to attempt any thing that may tend to the diminution of your Majesties Princely power. But on the contrare, acknowledge our quietnes, stabilitie, and happines, to depend upon the safetie of your Majesties Person, and maintenance of your greatnes and Royall authoritie, as Gods Vicegerent set over us for maintenance of Religion, and administration of Justice: And have solemnely sworne not onely to stand to the defence of your Majesties Person and authoritie, in the preservation and defence of Religion, Liberties, and Lawes of the Church and Kingdome; But also in every cause which may concerne your Majesties honour, shall according to the Lawes of the Kingdome, and the ductie of good Subjects, concurre with our friends and followers in quiet manner, or in Armes as wee shall be required. But if any be so wicked as to seeke occasions to divide betwixt your Majestie and your Kingdome, and for their owne ends goe about to prostitute the puritie of Religion, and the Liberties and Lawes of that your Majesties ancient and native Kingdome: Wee can give them no other Character, but that which your Majesties Father of blessed memorie gavethem, terming such men, *vipers and pests against the King and his Kingdome.* And if it please God, for our sinnes, to make our condition that deplorable, as they may get the shadow of your Majesties authority, (as wee hope in God they will not) to palliate their ends; Then as these, who are sworne to defend our Religion, our recourse must be onely to the GOD of

Jacob.

Jacob for our refuge, who is Lord of Lords, and King of Kings, and by whom Kings doe reigne, and Princes decree Justice. And if in speaking thus, out of zeale to Religion, and the dutie we owe to our Countrey, and that charge which is laid upon us, any thing hath escaped us, sith it is spoken from the sinceritie of our hearts, wee fall down at your Majesties feet, humbly craving pardon for our freedome.

Having thus with your Majesties permission cleared the loyaltie of your Subjects. That wee may next shew the reason of their demands, and equitie of their proceedings in Parliament: We doe first crave, that if our answers cannot give plenarie satisfaction to the objections and exceptions, that shall bee made against their proceedings; That our not knowing of these objections (albeit wee did often require your Majesties Commissioner to shew the same, that we might be the more able to give your Majestie content) yet being still concealed from us, and the Records and Registers of Parliament being kept up from us, may serve much for our excuse; and if any of the propositions, or articles sought or craved in Parliament, shall seem harsh at the first view, to these who know not our laws: That we do expect from them the judgement of charitie, who ought rather, nor passe rash censure on us, to professe *ignorantiam & juris & facti alieni*; and that they would distinguish betwixt the desires, and actions of a Parliament, who being conveyened by royall authority, and honoured with your Majesty, or your Commissioners presence, are makers of Laws, and against whom there is no law, and the actions of privat persons, against whom laws are made.

And as the desires of the Subjects are no other in the matter,

matter, but what they did humbly crave in their former petitions, and are necessary for establishing of Religion, and the good and peace of the Kingdome, which can never repugne to the Kings honour, and are agreeable to the articles of pacification; so in manner they are agreeable to the Lawes and practises of that Kingdome. And to condescend more specially, all the articles given in, are either such as concern privat subjects, such as are for *manufactories, trade of merchants,* & others of that kind, which doe not so much concern your Majestie or the publick, as the interest of privat men which are but *minima*, *Et de minimis non curat lex*: Or they are publick acts, which doe concerne Religion, and liberties of the Kirk and Kingdome, as *the ratifying the conclusions of the Assembly, the act of constitution of Parliament, the act of rescision, the act against poperie,* and others of that kinde, wherein because the Parliament know that the eyes of the world were upon them; that hard constructions have beene made of their proceedings, and that malice is prompted for her obloquies, and waiteth on with open mouth to snatch at the smallest shadow of disrespect to your Majestie; That our proceedings may bee made odious to such as know them not, wee have endeavoured to walk with that tendernes which becometh ductifull Subjects, who are desirous to limite themselves according to reason, and the rule of Law: For better understanding whereof, we must distinguish betwixt *regnum constituendum*, and *regnum constitutum*; a Kingdome before it be settled, and a Kingdome which is established by Lawes; wherein as good subjects esteeme it their greatest glorie to maintaine the honour, and lawfull authoritie of their King; so good Kings (as your Ma-

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jesties father of ever blessed memorie affirmes) hold-
 ing that maxime, That *salus populi est suprema lex*, will
 be content to governe their Subjects, according to the
 Law of God, and fundamentall laws of their King-
 dome. Next we must distinguish betwixt the Kirk and
 State, betwixt the Ecclesiastick, and civil power, both
 which are materially one; yet formallie they are con-
 tradistinct in power, in jurisdiction, in laws, in bodies,
 in ends, in offices, and officers; and albeit the Kirk and
 Ecclesiastick Assemblies thereof, bee formally diffe-
 rent, and contradistinct from the Parliament and civill
 Judicatories, yet there is so strict and necessary a con-
 junction betwixt the Ecclesiastick, and civill jurisdic-
 tion, betwixt Religion and Justice: as the one cannot
 firmly subsist, and bee preserved without the other;
 And therefore like *Hypocrites* twinnes, they must stand
 and fall, live and die together, which made us in all our
 petitions to your Majestie, who is *custos utriusque ta-
 bulae*, to crave that as matters Ecclesiastick may be de-
 termined, by the generall and other Assemblies of the
 Kirk, and matters civill by Parliament: So specially
 to crave, that the sanction of civill law, should be ad-
 ded to the Ecclesiastick conclusions, and constitutions
 of the Kirk and her Assemblies, lest there should
 be any repugnance betwixt the Ecclesiastick and
 Civill laws: which your Majestie did graciously
 condescend unto. And your Majesties Commis-
 sioner representing your Majesties royall person and
 power in the generall Assembly, wherein all the Con-
 gregations and Parishes of *Scotland* are represented,
 after particular inquirie anent the true and reall
 causes of the evils, which do so much trouble the peace
 of that Kirk and Kingdome. Having found that the

govern-

government of the Kirk by Bishops, and Civil places and power of Kirk-men, amongst other novations brought in that Kirk, were two main causes of these evils: And having consented, that Episcopacie be removed out of the Kirk of *Scotland*, and that the Kirk be removed off the state; And declared all civill places and power of Kirk-men, to be unlawfull in that Kingdome. And having ratified the Covenant, ordaining all the Subjects to subscribe the same with the generall Assemblies explanation, in that sense: and being obliged to ratifie the conclusions of the Assembly in Parliament: It doth necessarily follow, that Bishops who usurped to be the Kirk, and did in name of the Kirk represent the third estate; and Abbots, Priors, and all others who did represent the Kirk to bee taken away, which also by necessar consequence doth infer, that there bee an act of constitution of the Parliament without them, and an act for repealing the former laws, whereby the Kirk was declared the third estate, and Bishops did represent the Kirk, both which the Kirk hath now renounced and condemned: So that unlesse the act of constitution of the Parliament, and act rescissorie passe, it is impossible either to have a valide Parliament, or to ratifie the conclusions of the Assembly: which your Majestie hath graciously condescended to performe, and which your Subjects are obliged to maintain: neither doth the passing of these acts wrong the Kirk nor State, nor diminish your Majesties princely power, and royall authoritie; nor the Kirk, because she hath renounced and condemned that civill power and worldly pompe conferred upon her in time of Poperie, esteeming the same not to bee a priviledge, but a detriment incompatible with her spi-

rituall nature, and as being repugnant to the doctrine,
 and discipline of that Kirk, & *volenti non fit injuria*,
 nor is the State wronged, because the whole Congre-
 gations of that Kingdome, being represented by their
 Commissioners from Presbyteries in the generall As-
 semble, hath given their consent to the desires and
 conclusions of the Kirk, have with allowance of your
 Majesties Commissioner, according to the ordinance
 of the generall Assembly, and Councel, sworne and
 subscribed the Confession of Faith, in that sense; and
 have alwayes been, and are your Majesties supplicants,
 That the Parliament may ratifie what the Assembly
 hath found, and concluded: Neither can wee beleieve
 that your Majestie (who we hear doth acknowledge
 Princes to be like shining stars, which have their splen-
 dor for the benefit of the world, and who esteemes
 the prosperitie, and welfare of your people, your
 greatest content, and the having of their hearts to bee
 your Majesties greatest security, which are the words
 of *Benedictus Abbas*, and which your Majestie hath so well
 learned, that they are abridged in the inscription of
 their coyne, *Prosimus ut prosumus*) will think, that the
 granting of that, which upon so good reason is so ear-
 nestly desired both by Kirk and State, to be any dimi-
 nution of your Majesties royall prerogative, and privi-
 ledge of your Crowne, which by our acts of Parlia-
 ment is defyned, to be that power which your Maje-
 stie hath over all estates and persons, and nor any par-
 ticular interest more in one estate nor another; and
 which is competent and reciprocally to the King, and
 doth pertain to your Majestie inviolable, and is no
 wayes contingent, separable, nor mutable, with the
 change of any of the Estates; but is that power which
 doth

doth justly belong to the King, before any Bishops were in *Scotland*, and which did belong to him in time of Poperie, when Bishops were allowed, and had their dependance of the Pope, and which did likewise pertain to the King, in the time of reformation, when Episcopacie was abjured and removed out of *Scotland*. In the which oath, all the Subjects are sworn to maintain your Majesties greatnesse, and authoritie, with their lives and means: which wee shall acknowledge, and will be ready to defend, to the last drop of our blood.

And seeing your Majesties Subjects have no other ends, but such as serve for establishing of Religion, and the peace of the Kingdome, and are agreeable to the fundamental Laws thereof, and to the articles of pacification; And that the Parliament is the onely lawfull mean to remeid our evils, remove distractions, and settle a solide and perfect peace. The sum of your Majesties subjects their desire is, that your Majestie may be graciously pleased, to command, that the Parliament may proceed freely, and determine anent all these articles given in to them, and whatever exceptions, objections, or informations, are made against any of the particular overtures, articles, or proceedings of the Parliament, wee are most willing and desirous, according to your Majesties commandement (for avoyding contestation about words) to receive the same in writ, and are content in the same way to returne our Answers and humble Desires.

After some questions moved by his Majestie, and by some of the Committee, which were answered by our Commissioners, and all that past written by them, immediately after

their return to their lodgings from his Majesty. The conclusion of that dayes hearing was, that against the Kings returne from Hampton-Court, they should show his Majesty their Instructions. And after his Majesties returne upon the 8. of March, they were commanded to be at White-hall the next day thereafter, at two of the clock in the afternoon, where so soon as they did appeare before his Majesty, He did call for their Instructions, which they did exhibit and read: Their power was called in question, as being onely subscribed by some Noblemen, and Gentlemen, and as not flowing from the Parliament, whereunto they did answer; That their Instructions were warranted by the Parliament, because they are relative to former Instructions, given to the Earle of Dumfermeling, and Lord Lowdoun, which were subscribed by a great many Noblemen, Gentlemen, and Burgeses who were present, sitting in Parliament, and that their last Instructions are subscribed by these Commissioners, who were appointed by the Parliament to make remonstrances to his Majesty, and receive the returne of his answers, who were authorized with Commission from the Parliament, to that effect: All which our Commissioners did instruct. And after long debating anent the validity of their power. The particular dispute, and reasonings whereof, our Commissioners did for their memory put in writ. The Kings Majesty said, he would heare the particular reasons of their demands, whereunto it was replied, that their demands were onely that the Parliament might proceed and ratifie the conclusions of the Assembly, and determine anent the articles given in to them, according to the Lawes of the Kingdome, and articles of pacification. And if there were any objections to the contrair, they were ready to receive, and answer the same in writ. The King said, It was his Commissioner

sioner behoved to give these, and that his Majesty was to maintain his actions. And thursday the 12. of March was assigned for their next hearing, and the Kings Commissioner commanded to give his objections to them in writ, against that time.

Upon the 12. of March, The King called for the power and warrant granted by the Parliament to these Noblemen, and others who had subscribed our Commissioners Instructions; which being contained in the declaration made by the Parliament, his Majesty commanded the whole Declaration to be read, did expostulat and quarrell the same, as trinchung upon his prerogative: And diverse objections were proponed against the Declaration, both by his Majesty and these of the Committee. Which was answered by our Commissioners, who did write what was reasoned, and answered concerning that point, and craved that what could be objected against that or any other of the Parliaments proceedings, should be set down in writ, whereupon the King commanded the Earle of Traquhair to set down the state of the question in writ, which he did in manner following, viz:

WHether are you warranted or instructed from Parliament, to satisfie his Majestie, anent his power of proroguing of Parliaments of himselfe, and of his own Royall prerogative simplie; and whether a Parliament thus prorogued simplie, by his Majesties owne sole, Royall power, can or may sit before the time to which his Majestie hath prorogued the same.

And if you have no warrant nor instruction herein from the Parliament, what is your owne private Judgement therein.

Like as his Majesty commanded the Earle of Traquhair

to give some other propositions, and queries, and the 14. of March was assigned to our Commissioners, to give in their answers, which propositions were delivered to them upon the day of March, which are these, viz:

Protestation given in at the first prorogation of the Parliament, at least given into the Commissioner, to be represented to his Majestie.

Act desiring the power of articles.

New augmentation of customes, to bee discharged, and no custome nor imposition to be imposed hereafter, but by advice of the Estates.

No change of the value of money or coynage thereof, but by advice of Parliament.

Book of rates to be revised by Parliament.

The Castles of *Edinburgh, Dumbarton, and Stirling*, to be intrusted onely to Natives, and these to be chosen from time to time, of honest men, by advice of the Estates.

Act anent the Judicatorie of Exchequer.

Because these propositions were delivered to our Commissioners, without any objection against the same, or queries, concerning these demands, They did require that if there were any queries to be demanded of them, or any objections to be made against these, or any other acts and propositions given in to the articles, That the same might be set down in writ. Whereunto it was answered, That his Majesty was to make no propositions to them, but that his Majestie being informed, that such motions, and propositions have been made, either in face of the articles, or to his Commissioner, hath taken notice thereof, as prejudiciall to his Majesties authority. And therefore required them to show the reasons why they did demand the same.

Upon

Upon the 16. of March when our Commissioners did appeare before his Majesty, They did present their answers in writ, to the former quere and propositions, in manner following: viz:

AS our power and instructions from the Parliament, doe warrant us to show, that their proceedings and desires, are agreeable to the Lawes and practise of the Kingdome, and to the articles of pacification: So we are enjoyned particularly to answer all objections, which either were proponed, or which they conceived could be proponed against the acts and proceedings of the Parliament: And as concerning any other question which was not moved in Parliament, nor is against the articles and propositions given in to them; As the same did not fall within the consideration of the Parliament: So neither can it come within the compasse of our instructions, as that whereunto wee have warrant to answer: It is also to bee understood, that the propositions and acts given in to the articles, are not statutes, but are onely proponed and given in to them to be prepared for the Parliament, That the Parliament may enact or refuse the same, as they shall find them expedient or inexpedient for the good of the Church and State: And as concerning the quere, anent the prorogation of the Parliament, we are warranted by our instructions and informations, to show, that the prorogation of Parliaments of that Kingdome, once being conveyned in plaine Parliament, and having chosen articles, or entered on actions; hath ever been done with consent of the three Estates, as may be seene in the reigne of *King James 6. Queen Mary, K. Ja. 5. K. Ja. 4. K. Ja. 3. K. Ja. 2. K. Ja. 1.* And so forth in all the printed and written Records of Parliament. And they are con-

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fident;

ſident, that your Maſteſtie will be graciouſly pleaſed, to keep that order and forme of prorogation of Parliaments, which all your moſt worthie and Royall Antecellours did. Neither did the Parliament expect, that your Maſteſtie (who did graciouſly grant this Parliament for eſtabliſhing of Religion, ratifying the conclufions of the Aſſembly, and ſettling the peace of the Kingdome; and hath accordingly given an ample power, under your Maſteſties broad Seale *pro ſententia & obſervatione Parliamenti*, without any power or claufe of prorogation or delay) would require this Parliament to be prorogued without conſent of the Eſtates of Parliament; Till theſe things be performed which your Maſteſtie was graciouſly pleaſed to condeſcend unto.

Where it may be objected, That a Parliament was prorogued or continued, *De mandato Regis*: It is answered, That proves the denomination of the act to be taken from the King; But doth nowayes prove, that the act was made without conſent of the Eſtates, more then that act of Parliament of K. Ja. 1. holden at *Edinburgh*, the 28. of June 1450. fol. 33. Bearing that the three Eſtates did continue the Parliament, without naming the King; will inferre, that the Eſtates wanted the Kings conſent; For it is uſuall that the denomination of acts of Parliament, is taken, ſometimes from the King onely, ſometimes from the Eſtates, and ſometimes from both; And that the prorogation was done by act of Parliament, is enough to prove it to be done with conſent of the Eſtates: And the Letter written by K. Ja. 6. in the Parliament May 1604. To the Lord *Balmerinoch* his Maſteſties Secretary; That ſeeing the parliament of *England* was continued, therefore the

the Estates should continue the Parliament of *Scotland*, (which they did) doth evince that the Parliament was continued with consent of the Estates. And having thus, (according to the instructions given to us) shovne the Judgement of the Parliament, (whose Language and mind wee ought now to speak, and not our own privat opinions) anent the forme and order of prorogation, which hath been constantly observed, in all preceeding Parliaments, we doe so much tender your Majesties royall power and lawfull authoritie (which we have solemnely sworne never to diminish) as wee neither dare nor will presume to exceed our instructions, to define what your Majestie may doe in the hight of your power. For to dispute *a posse ad esse*, is both against Law and Divinity; And what ever your Majestie may doe in the hight of your power, we hope your Majestie will ever bee graciously pleased to rule your Subjects according to Law, the continuall practice whereof we have shovne in this point, neither know we any former Law or practice to the contrair. And if any man hath informed your Majesty, or affirmed, that it is otherwayes, *affirmanti incumbit probatio*.

As concerning that act whereby it is craved, *that the power of the articles may bee defined*, wee have direction and information from the Parliament, to show the equiry, lawfulnessse, and expediencie of that act, which may easily bee perceived, from the reasons contained in the narrative of the act it selfe, which *brevitatis causa*, is referred thereto, as also from the written records, and printed acts of Parliament, from the nature of all Committees, and from the present estate and condition of the Parliament of that Kingdome. For as it is cleare by the historie of that

Kingdome, and the records of Parliament, that there was never such a thing heard of, as Lords of articles, untill the time of *King David Bruce*. So it is manifest in all the printed and written records of Parliament, since that time, that many Parliaments had no Lords delegat for articles at all, and when there was any chosen, the nomination and election of them, was ever with the common consent and advice of the whole Parliament, till the Parliament in *anno 1617*. That the Bishops took upon them to remove out of plaine Parliament, to the Inner-house, and choysed some out of the Noblemen, & the Noblemen them, and they two choysed the Commissioners to be on articles of Shires and Burroughs, which as it was against the first institution, & form of election of al preceeding articles, introduced by & with the prelates: So do it fall & ought to be removed with them, *ut effectus removeretur cum sua causa*: for they being removed, cannot choise the noblemen to be on articles, as the Noblemen cannot chose them, nor can they both together choise the Barons & Burgesses: So that it doth of necessity follow, that there bee no articles, but that all bee done in face of plaine Parliament, as it was of old, or else (if articles be) that the ordour of election be from the whole Parliament: or that every Estate of Parliament, make choise of such of their owne number, as are to bee on articles: For according to the common received *maxime, Quod omnes tangit ab omnibus approbari debet; & status ac ordines regni*, (who are chosen to represent the whole Kingdom, and are appointed to convene in their name, for establishing such Lawes as are necessarie for the good of the Common-wealth) ought to discharge that trust themselves, and not to intrust *potestatem univer-*

sis commissam to some few deputed persons, except onely in cases of necessitie and utilitie, which either may be done or omitted, according to convenience and occasion of affaires. For as this freedom of choosing or not choosing of articles, in practice and *de facto*, was arbitrarie and changeable *pro occasione & distinctione temporum*. So there is never any statutorie law enjoining the necessitie of articles, or determining the power and manner of their proceeding, & *in actibus liberis* (of the Law) *non currit prescriptio*: And it is very agreeable with reason, that the power of articles (which is but a committee delegate from the Parliament to prepare matters for their consideration) have not a boundlesse and illimited power, but bee comptable to them; and the power of articles is onely preparative, and no wayes determinative, and is but *curatim* by vertue of a delegation, which ends at the redemand of the granter, and ought no wayes to be privative of the Parliaments power, but only cumulative; and they ought before closing or ryding of the Parliament, to render an accompt to them of all that hath been proponed or past in articles, That the whole Parliament may have a competent time for consideration, agitation, mutuall communication, discussion, and deliberation of the reasons and conclusions of these articles, which are to be voyced; and not to vote blindly, and without foreknowledge, to agree or disagree, to such things as by their suffrages are enacted to bee laws, which requires not onely voycing, but also hearing, free reasoning, and ripe advisement; as is clear by the commissions granted by the Shyres and Burroughs to their Commissioners, and from the acts of Parliament, *K. Ja. 1. Par. 7. art. 101.* And acts of Par-

liament 1584. and 1587. K. Ja. 6.

As for answer to the *new augmentation of customes and book of rates*: It is humbly acknowledged, that the customes belongeth to your Majestie, as a part of the patrimonie due to your Crowne: likeas by diverse acts of Parliament, especially by the 179. *act Par. 13. & 206. act Par. 14. and act 151 & 254. Par. 15. K. Ja. 6.* It is evident that the customes of native and forraigne commodities hath bene imposed with consent of the Estates; and this new augmentation was onely imposed by the Exchequer, and condiscended unto by some of the Burrows, upon promise (as is affirmed by them) made by the Barle of Traquair your Majesties Thesaurer, That the present book of rates without alteration should be ratified in the next Parliament: the performance whereof was onely craved, by that article given in, And that no new augmentation should be imposed upon custome, but that which is agreeable to justice, and the Laws of the Kingdome: Which the burrows conceived, they might verie lawfully represent to your Majestie, and the Parliaments consideration.

The reason and occasion of that article given in to your Majestie and the Parliament, *anent the value of money, and concerning copper-money*, doth flow from the sensible losse and great prejudice, which your Majesties Subjects of that Kingdome doth sustain by the huge quantity of copper money, which hath been coyned there, and allowed with advice of your Majesties Council to passe currant, at a rate so far above the intrinsique value thereof: as beside what is coyned within the Kingdome, there are likewise a great quantitie coyned abroad in other Countreys, and brought in

in to *Scotland*, and a great quantity of false ones forged by Tinkers, and through occasion thereof all other money is exported and taken away, and no other money almost left, and the crying of them up and down in so short space, (of late) hath brought the esteeme and value of them to such an uncertainty and confusion, as no man knows now at what rate they should passe, or whether they should passe or not, which to your Majesties Subjects is a very great prejudice; especially to Tradersmen, and other poore people, in whose hands, most part of that base money is, whose distressed condition cries to your Majestie for remeid. Likas the importing of Dollars from forraigne kingdoms, and tollerating of them to passe (for a long time) at a higher rate and price nor is answerable to the true value, and above that price, gave occasion to export and take away your Majesties own coyne; and the crying down of the Dollars thereafter by your Majesties Councell, at such a time, when as there was little or no other money in *Scotland*, occasioned great scarcitie of money in that Kingdome. From the by-past experience of which losse, and for remeid thereof, that article craving, that the value of money should not bee altered without advice of the Estates of Parliament, was given in without thought or intention to trinch in any sort upon your Majesties royal authority; but that your Majestie for the good of your Subjects, may bee graciously pleased, That the standart of the money, consisting in the fynnes, the weight, & price of money, which from time to time hath been ruled, and set down in Parliament, be not altered, but by advice of the Parliament. And that the fynnes, price, and weight of money hath been ruled and determined by Parliament

ment, may bee seen by that act of Parliament, holden by King David the second, in anno 1366, in these words, *Statutum quod fabricetur moneta de materia jam allata in regnum, & quod in pondere & metallo aequipol-leat moneta currenti in Anglia, & fiat in ipsa signum no-tabile per quod possit ab omni alia prius fabricata eviden-ter cognosci, quousque in proximo Parlamento super hoc maturius acquisari possit.* The same is also manifest from a great many other acts in the reignes of K. Ja. 1. K. Ja. 2. K. Ja. 3. K. Ja. 4. K. Ja. 5. K. Ja. 6. Espe-cially K. Ja. 1. Par. 1. cap. 23. anno 1424. Item K. Ja. 2. Par. 6. cap. 29. and Par. 8. cap. 33. Par. 13. cap. 59. Par. 14. cap. 72. Item K. Ja. 3. Par. 1. cap. 9. Par. 3. cap. 18. Par. 4. cap. 21. Par. 6. cap. 46. Par. 7. cap. 50. Par. 8. cap. 64. Par. 13. cap. 93. Item K. Ja. 4. Par. 1. cap. 2. Par. 2. cap. 17. Par. 5. cap. 55. Item K. Ja. 5. Par. 7. cap. 99. Item K. Ja. 6. Par. 1. cap. 17. Item in the unprinted acts of K. Ja. 6. Par. 5. anno 1578. Par. 7. cap. 106. Par. 8. amongst unprinted acts an. 1584. Item in his 13. Par. an. 1593. amongst the unprinted acts. And such like in printed acts of his Par. 15. cap. 249. & Par. 16. c. 9. And in the Parliament an. 1633, holden by your Majesties self: There is commission given in Par-liament to the secret Council, and other Commissio-ners, anent the frequent course of Dollars, and base copper money; by reading of which acts. It is most manifest, That the fynnesse, weight, and price of mo-ney hath been ruled and determined by your Majesties predeceffours, and your Majesties self, with advice of Parliament: neither is it meaned, nor intended, that your Majesties royall priviledge, (which hath beene and is due to your Majestie, and your royall anteces-sours) shall thereby in any sort be trinched upon nor impaired.

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The reason of that article, whereby it is humbly craved, that the castles of *Edinburgh*, *Dumbarton*, and *Strivling*, may be intrusted onely to Natives ; and theſe to be choſen by advice of Parliament, of ſuch faithfull and honeſt men, as do tender your Maieſties honour, and the ſafetie of the Kingdome: may be ſeene not onely from the nature and importance of the charge, butlikewiſe from the former praſtiſe of your Maieſties royall predeceſſours, who did diſpoſe of theſe caſtles, with the ſpeciall advice and counſell of their Parliament, as is recorded in the old Registers of the Parliament 1368. Likeas fol. 83. of the old acts K. Ja. 4. It is concluded by advice and deliverance of the three Eſtates, That *Patrick Lord Haills* be keeper of the caſtle of *Edinburgh*, and artillerie of the ſame, &c. Item fol. 21. cap. 35. K. Ja. 6. in the old acts. The three Eſtates ordaines the caſtle of *Dumbar*, and fort of *Inchekeith* to be demolished and deſtroyed, that no foundation remain thereof. Likeas by diuerſe unprinted acts, as in anno 1578. and 1585. and 1606. Your Maieſties houſes hath beene diſpoſed of with advice of Parliament. And not onely nationall ſtatutes, but the common law of nature and Nations, do forbid the receiving of ſtrangers, to bee keepers of the ſtrengths of a free Kingdome. And when the Parliament of *Scotland* 1604. gave commiſſion anent the Union with *England*, with exception of reſerving of free Monarchie, and the fundamentall laws, liberties, and privilegedes of that Kingdome: Your Maieſties father in his printed ſpeech to the Parliament of *England* 1607, when he interprets that claue of fundamental laws, declares that hee could not make *Scotland* a naked Province without libertie, and ſet Garifons over it, as the *Spaniard*

niards do over *Cicilie* and *Naples*, or govern them by Commissioners: So that his Majestie in his owne interpretation doth acknowledge, that the putting in of Garisons, especially of strangers, as of *English* men in the Forts and Castles of *Scotland*, as the King of *Spain* puts in *Cicilie* and *Naples*; or as the King of *England* puts *English* in the Forts of *Ireland*; is a breaking of the fundamentall laws and liberties of *Scotland*, and the using of it like a naked conquest Province, like unto *Cicilie*, *Naples*, or *Ireland*. And as your Majesties Subjects gave an undoubted prooffe, how tender their mindes are in the point of obedience to your Majesties commandements, not onely in delivering of the Castles to be disposed of, at your Majesties pleasure, without any assurance, other then their confidence in your Majesties goodnesse and justice; so have they of late given a verie submisse and rare testimonie of their obedience, in the humble reception of these strangers, and ammunition, which your Majestie was pleased to send to the Castle of *Edinburgh*, where the honours of the Crown and Kingdome, and registers are kept: preferring their obedience to your Majesties comādmēt, to their own safety, even at this time, when their ears are filled with rumors of hostill preparation against them: All which makes them, and us in their names, humbly to supplicat and expect, that your Majestie will bee graciously pleased by recalling of that Garison, to free your loyall subjects of these feares and dangers, who will ever be ready to hazard their lives and fortunes to do your Majestie service. Neither doe they in the act, which is given in to the articles, arrogat or assume power, by themselves to appoint keepers for your Majesties Castles; but do humbly crave, that your Majestie

stie may out of your goodnesse, be graciously pleased to declare, for further satisfaction of your Subjects, that the Captains and Commanders of your Majesties Castles, may bee chosen by advice of the Estates of Parliament : And that such as shall happen to be placed betwixt Parliaments, may be tryed and found by your Majesties Councell, to be men of such qualitie, as are fit and able to undergo that charge, which in the judgement of the Parliament, derogats nothing from your Majesties royall power.

As for reasons of the act, *anent the judicatorie of the Exchequer*, we have set down some few of the many reasons which do sufficiently prove the equity, & justnes therof.

1 The Session and Exchequer are distinct judicatories, and not subordinat one to another, and cannot be coincident in the same object : And therefore seeing the question of right and nullitie of rights, is competent to be decyded by the Lords of Session, by way of action, or exception ; it is altogether incompetent to be discussed by the Lords of Exchequer.

2 The Lords of Exchequer are incompetent Judges in a declaratour of nullitie, by way of action, and consequently cannot annull any right by way of exception, which is a more summar way : And it were absurd in law, seeing the subject and question is one, whether proponed by way of exception or action, that incompetent judges of the action, they should have a more absolute and summar jurisdiction by way of exception.

3 It appears by an act of Parliament not printed, 1593, (*intituled, Commission to the Exchequer anent decyding suspensions in the Kings cause*) that before the said act, the Exchequer had not power to decyde in suspensions, while it was given them by the Parlia-

ment : farre lesse then can it be thought, that they ever had, or can have power to decyde in the point of heretable rights: Neither doth the late act 1633, authorize the Exchecquer to decyde therein expressely: And if it bee truly considered, some generall words contained therein, intermixt with the particular cases therein exprest, should not, nor cannot be extended to so high a point, as the disputing and decyding of the Subjects, their heretable rights. Likeas at the making of the said late act, the Lords of Session having heard some surmize, that your Majesties Advocat was giving in such an act; seven or eight of them convened together, and sent for the Advocat, who assured them, that there was not, nor should not bee any such thing: but that the act should be conceived in so clear terms, that it should not be possible to draw in under any part thereof, a power to the Lords of Exchecquer to dispute, let be to decyde in heretable rights. And as the Subjects heretable rights and infestments are by this act saved from being decyded, or annulled by incompetent judges; so your Majestie is no wayes prejudged thereby, seeing the Lords of Session, who by the laws of that Kingdome are proper and competent judges of heretable rights and infestments; may and will decyde any questions, which may concerne your Majestie, the nature, tenor, and validitie, of any heretable right.

After reading and debateing of the former answers, and agitation anent the Earle of Traquaires carriage in Parliament (in refusing these things therein till, whereunto he had consented in the Generall Assembly, Especially that act of Assembly of the date the 17. of August, whereby Episcopacie,

pacie, and the civill power and places of Kirkmen, was condemned, as contrary to the Confession of faith, and constitutions of that Church; And declared to be unlawfull, and removed out of that Church and Kingdome, and all the subjects by act of the Assembly, with the Commissioners consent, ordained to subscribe the Confession of faith, with the Assemblies explanation) Our Commissioners (as they at the closure of all their hearings) did humbly crave, That his Majestie would be graciously pleased to command the Parliament, to proceed and ratifie the conclusions of the Assembly, and passe such other acts as were necessary for establishing Religion, and the peace of that Kingdome: And did require, that his Majestie would signifie his pleasure concerning the desires of the Parliament, and did urge their dispatch, showing his Majestie, the danger and prejudices which might result from delay: But his Majestie commanded them to attend his time and leasure, and appointed the 23. of March for the next hearing: And that all farther propositions and demands which were to be made to them, would be given in to them in writ, that they might answer the same against that time.

Upon the 20. day of the foresaid moneth of March, about six a clock at night, The Earle of Traquair sent to our Commissioners these propositions following:

PROtestation against the Thesaurer, and privie scales precedencie, That their giving way to the Thesaurer, and privie seal, should not preiudge them of their right.

The act anent the constitution of the Parliament in time coming, being by the articles remitted to his Majestie, to be considered till the next Parliament, was

thereafter questioned by some of the Nobilitie and Barons, who urged the same to be brought in, in open Parliament, without any such reference.

Article craving every Commissioner of the Shyres to have a severall voice.

Article craving the Parliament to choose their owne Clerke, or to have two of every Estate joyned with the Register, and that all acts voiced in Parliament, be immediately subscrived by two of every Estrate.

Article for every Estates choosing of their owne Lords of articles.

Act discharging proxies.

Article against the book intituled (a large Declaration)

Commissioners of Shyres to give a roll of freeholders, out of which the Justices of peace are to be chosen.

Act anent the disorders of the North.

Articles craving the Councell to be subalterne, and censurable by the Parliament.

No patent of Nobilitie to be granted to any, but such as have Ten thousand markes of yearly Land rent.

No taxation to be granted, but in plain Parliament.

Act of pacification.

Article craving particular Commissions of Justiciarie and leivetein andrie to be discharged.

Article in favours of Sherjffes and Stewards onely to be obliged to produce horning for the taxation.

Patent of making powder to be discharged,

Act discharging remissions for slaughter and theft, but upon satisfaction to the partie.

Act discharging protections.

Act

Act of common relief.

Article craving the act 1633. (ordaining that confirmations and infeoffments of Ward-lands , shall not prejudice the Kings Waird) to be repealed.

Act discharging the ductie payed to the Conservator upon the coale.

Article craving the ammunition and armes brought in since the beginning of these troubles, to be free of custome.

Article anent the election of the president of the Session, and admission of the Judges presented by his Majesty.

Act craving Statesmen being Noblemen, to have but one voyce.

His Majesties warrant, for Master *William Hay* his deputation in his fathers place, opposed by the rest of the Clerkes.

Upon the 23. day of March, the subsequent answers were presented to his Majestie, by our Commissioners, to these former propositions, viz:

THe protestation made by some Noblemen, that their giving way to the present Thesaurer and privie Seales precedencie, should not prejudice them of their right; Carries the reason of the protestation in it self: Because in Law and practise it is usuall to any who conceive themselves prejudged (even in these things where acts of Parliament passes against them) To protest; *multo magis* in such a case as this, is it lawfull for them to protest, That their giving way to that, which they conceive, hath no Law for it, should not prejudice their right, which is onely craved *prout de jure.* The

The act anent the constitution of the Parliament ; remitted by the articles to be considered by your Majestie till the next Parliament, was questioned and urged, that the same might bee brought in open Parliament, without any such reference; for diverse reasons: First, because in that act there was a clause, craving it might be enacted, that there should bee *stataria parlamenta*, once in two or three yeares at least; at which clause of the act, so soon as it was understood by the proponers, and ingivers thereof, that your Majestie might conceive the same to derogat from the freedome of your royall power of indicting Parliaments, when your Majestie pleased; They did passe from that part and clause of the act. And albeit it may easily bee demonstrat from the prejudice which your Majesties ancient and native Kingdome susteines, through want of your royall and personall presence, and their living at so farre a distance from the place of your Majesties residence, how requisite it is, that there bee frequent Parliaments holden in that Kingdome: yet lest the desires of your Majesties subjects, might seeme in any wayes to trench upon your authoritie, they did passe from that part of their desire, and did onely insist, that there might bee a right constitution of the Parliament, ; and that an act might be past for rescinding and repealing of such former acts of Parliaments as repugne the acts and conclusions of the Assembly, which is conceived to be so absolutelie necessar, as there neither can be a valide Parliament, without the same ; nor can the acts and conclusions of the generall Assembly be ratified ; which to refuse were both contrar to the principall end, for which the Parliament was indicted, and against your Majesties royall and gracious Declarations ; And that it is impossible,

possible (without passing the rescissorie act and act of constitution) to have a valide Parliament, to ratifie the conclusions of the Assembly, is manifest: Seeing by the former constitution of the Parliament, no act of Parliament can passe without the consent of the three Estates, of which the Kirk was the third: As is to be seen by the act of Parliament 1609. And any act for ratifying the conclusions of the assembly, or for any other cause whatsoever, which can be past in this Parliament (till the Parliament be lawfully constitute without Prelates, or any other representing the Kirk) cannot be valid, but may be quarrelled and annulled, upon that formall and fundamentall ground of the former constitution of Parliament, which stands established by the acts of Parliament 1584. 1587. 1597. and 1606. By all which it is clear, that the Parliament was constitute of the three Estates, whereof the Kirk is one, & that no act of Parliament could be made, but by the special advice & consent of the three estates; & that the Prelats voting in parliament, and representing of the third Estate, was a priviledge granted to the Kirk; and that they as her office-bearers had onely vote in name of the Kirk, may be clearly seen by the 23rd *Act. Par.* 15. 1597. *K. 74. 6.* Where the Kings Majestie, and his Highnesse Estates, restores Ministers provyded to Prelacies, to have vote in Parliament, and that upon this reason, as having speciall consideration of the great priviledges and immunities granted by his predeceffours, to the holy Kirk within this Realme: and to the speciall persons exercising the office, dignitie, and title of prelats within the same, which have represented one of the Estates: And that the saids prelats have been from time to time conserved in the same integritie wherein they were at any

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time before: So that his Majesty, out of his singular affection to the advancement of Religion, declares this Kirk to be a true and holy Kirk, and that the Ministers and pastors within the said Kirk, provided to the office, place, title, and dignitie of a Bishop or prelat, shall at all time hereafter have vote in Parliament, suchlike and as freely as any other Ecclesiastick prelat had at any time bygone. And that all Bishopricks shall be disposed to actual preachers, which proves, that in time of poperie, and ever untill that time 1597. this priviledge of vote in Parliament was granted to the Kirk, and only to the speciall persons, who by vertue of their office, did represent the Kirk, which is also clear from the act of annexation 1587. whereby all the Temporalities of benefices were annexed to the Crowne, notwithstanding whereof they did vote still in Parliament in name of the Kirk, (having no Temporalities at all) till the Parliament in the yeare 1606, Wherein it is clear in the act of restitution of the estate of Bishops: And also in the 6. act of the Parliament 1609, That vote in Parliament is given to prelates, as one of the priviledges and liberties granted to the Kirk, whom they did represent, and did ever *in pro Clero* upon his Majesties right hand, and voyce in name of the Kirk.

But seeing in the late Generall Assembly holden at *Edinburgh* (after particular inquirye anent the true and reall causes of the evils which did so much trouble the peace of that Kirk and Kingdome) It is found that the government of the Kirk by Bishops, and civill places and power of Kirk-men, especially their voting in Parliament, amongst other novations brought in that Kirk, were two mayne causes of these evils. And that the Generall Assembly, with consent of your Majesties

jesties Commissioner, representing your royall power
 and person, hath removed Episcopacie out of the Kirk
 of *Scotland*, and declared all civill places and power of
 Kirk-men to be unlawfull in that Kingdome, as contra-
 ry to the Confession of faith, and constitutions of that
 Kirk, and hath ratified the Covenant, ordaining all the
 subjects to subscribe the same, with the generall assem-
 blies explanation in that sense: And your Majestie be-
 ing obliged to ratifie the conclusions of the assemblie
 in Parliament, It doth necessarily follow, that Bishops
 who usurped to bee the Kirk, and did in name of the
 Kirk, represent the third Estate, be taken away; which
 also by necessar consequence doth inferre, that there
 be an act of constitution of the Parliament without
 them, and an act for repealing the former Laws wher-
 by the Kirk was declared the third Estate, and Bishops
 did represent the Kirk. Both which, the Kirk hath now
 renounced and condemned as a detriment and preju-
 dice incompatible with her spirituall nature: Neither
 doth the passing of these acts, wrong the Kirk nor
 State, nor diminish your Majesties Princely power;
 as was demonstrat by that which was spoken to your
 Majestie the 3. of March, and which we did thereafter
 present to your Majestie in writ, which (for brevitie)
 wee abstaine to repeat. And if your Majesties Com-
 missioner deny, that he did consent to the act of assem-
 bly August 17, whereby Episcopacie, and the civill
 places and power of Kirk-men, and in speciall their vo-
 ting in Parliament, was declared to be unlawfull, as be-
 ing contrare to the Confession of faith, and constitui-
 ons of that Kirk; and that he did approve, that all the
 subjects should subscribe the Confession of faith, with
 the generall assemblies explanation; we offer to prove

the same by the very acts of the assembly, and records thereof, bearing his assent, first verbally, and there after, given in by writ: The truth whereof wee are able also to verifie and make good, by witnesses of all ranks of persons, who were present at the assembly: And so soone as these Declarations which the Commissioner caused registrate in the bookes of Councell, as being emitted by him in the generall assembly, were required to be insert in the records of assembly, (which was eight dayes at least after the rising of the assembly) The Commissioners of the Kirk discharged the Clerk to insert the same, as not being emitted in the assembly, and as contrarie to the acts thereof, and true declarations made by the Commissioner in the generall assembly, which are registrate in the bookes thereof, and doeth beare his consent, for which he got publick thanks.

The reason of that article craving *every Commissioner of the Shyres to have a severall voyce*, appears in the very proposition it self; For that any who by the lawes of the Kingdome, and by their commissions, comes authorized, as Commissioners, to heare, treat, and determine in Parliament, and yet not to have a decisive voice in Parliament, seemes to be *repugnans in adjecto*; and that by the ancient practise, the whole Barons and Free-holders within that Kingdome, had vote in Parliament, may be seen in the old records of Parliament, as in the reigne of *K. Ja. 1.* in his 6. and 7. *Parl. K. Ja. 2.* in the old acts, *fol. 26. 33. 36. K. Ja. 3.* in the 112. act. *Parl. 14. Item Parl. 1487. 15. October.* The Parliament being continued, all freeholders are enjoyned to come to Parliament, to treat and conclude, notwithstanding whereof no such priviledge was claimed

claimed in this Parliament, but onelie craved the declaration and determination of the Parliament, whether each Commissioner of the two sent from a Shyre, have right in law of a severall decisive voice, which if at any time it hath been marked otherwayes; they alledge the same hath proceeded from the ignorance, error, or corruption of the Clerk: And as the Barons and Free-holders are the far greatest part of the body of that Kingdome, and that all of them of old had voice in Parliament, till their absence by some late acts, especially *the 101 act. Par. 7. K. Ja. 1. and Par. in anno 1587. K. Ja. 6.* is dispensed with, and they excused from necessitie of coming, and of the unlaws, which they were lyable to pay for none compeirance, providing they send Commissioners in their names to vote in Parliament: They think it agreeable both with law and reason, that every one of these few Commissioners, who do represent so many, should have a severall decisive voice. And the *act of Parl. holden by K. J. 6. an. 1587.* bears that the Commissioners of Shyres, shall be equall upon articles with the Burrowes, and shall have votes in Parliament: The meaning whereof doth import, that every one of the saids Commissioners shall have a decisive voice, because *quod de omnibus dicitur, de singulis dicitur*: and if both the Commissioners of one Shyre, should have but one decisive voyce, then it would follow, that every one of them hath but half a voice; and consequently when the one is absent, the other being present, should have no voice, and one could not bee chosen upon the articles without the other; both which are contrare to reason and custome. And it is undenyable true and constant, by contiguall custome, that when there is onely one of

the two Commissioners of a Shyre, chosen upon the articles, that one by himself without concurrence of his colleague hath a plenarie voice in articles: Therefore it follows necessarily, that as every one of two Commissioners, have a full voyce in articles, so each one of the two should have a full voice *per se*, and severally in Parliament; otherwise every one of them would have but half a voice in Parliament, and a full voice in articles: And the act given in *anent the Barons voices*, is not to demand or crave any new thing, or novation, or new priviledge to bee granted to them, but onely craves the declaration and determination of Parliament, which in justice may bee craved by any who desire their right to be cleared: Neither is there any such thing craved in Parliament, as the choosing of any other Clerk, but it was onely humbly craved, that some should bee allowed from the Parliament, to sit by the Clerks, to mark that the voices were rightly enumerated.

That article whereby it is craved, *That every Estate may chose their own Lords of articles*, or else, *That the Lords of articles be chosen from the whole Parliament*, is agreeable to the libertie of all free judicatories, who have power to chose their own preparative Committees, who except they be chosen by the judicatorie it selfe, or by these whom they do represent, cannot be justly reput to have any power from them; for their power is onely from them, from whom they are delegated, and they can onely propone, or voice in articles, in name of these who did chose them, and gave them power; and what they do in name of these who did not give them power, is, a *non habente potestatem*: But because the reason of this article is more fully cleared in

in one of our former answers, anent the power of articles, which is coincident with this article, wee remit to the former answer.

The reasons of that act, desiring that *proxies* may be discharged, and that no patent of Nobilitie be granted to any but such as have 10000 marks of yearly landrent; are contained in the act it self, & it seems not to be agreeable to reason and equitie, That the honour and power of voting in Parliament, which is conferred on Noblemen, and their successours personally, and whereby they have power to reason, voice, and judge according to law and conscience, can be intrusted to another, with an implicit faith, to determine and give the judgement of the granter of the *proxie*, in matters of highest moment, concerning Religion, your Majesties service, and the good of the Countrey, before the granter thereof know so much, as what is to be proponed in Parliament: And as concerning the second part of the act, craving that no patent of Nobilitie may be granted, to any who are not Natives, but such as have 10000 marks of Land rent: The same was remitted and recommended to the Commissioner, to be represented and remonstrat to your Majestie, whose gracious answer they do expect.

As concerning the book intituled, (*A large declaration*) The generall Assembly taking notice thereof, and conceiving that thereby your Majestie, that Kirk, and whole Kingdome is wronged; did give in a supplication to the Commissioner, and Lords of your Majesties privie Councel, humbly craving to represent the same to your Majesties gracious consideration: Likewise in the articles of Parliament, the Estates did humbly recommend the Assemblies supplication to the Com-

Commissioner, for obtaining graciously the desire of the said supplication: Neither did they know a more humble and respective way for redresse and removing these imputations which lyes upon them by occasion of that book: concerning which, amongst the other particulars recommended to the Commissioner, to be represented to your Majestie. They do confidently expect the return of your gracious answer.

As concerning that proposition, whereby it is desired, *That the Commissioners of Shyres may be allowed, to give in a roll of free holders, out of the which the Justices of peace are to bee chosen*: The reason of that desire is, because the Commissioner of each severall Shyre, knows best who are the fittest and ablest men, within their own severall Shyres, for your Majesties service, and the good of the Countrey, which is no wayes craved to derogat from your Majesties power of chosing; but onely as an expedient, to be past or refused, as your Majestie, and the Parliament, shall think convenient.

As concerning that act anent *the disorders in the North*: The reason why the same was craved, did result from the complaints and grievances, against the thift, oppression, slaughter, and great insolencies committed these diverse years bygone, and of late in those parts; the redresse and remedie whereof, and for keeping peace in that part of the Countrey, deserves your Majesties consideration and justice: And all that we remember was required of the Parliament was, That the former acts of Parliament made for punishment of thift, rapine, and oppression, might be revived, with such farther addition, as your Majestie should finde expedient, and conduceable for the peace of the countrey,

they, which wee hope your Majestie will ever tender.

The reason of that article, or act, craving *the Councell to be subalterne, and censurable by the Parliament*, Is from the warrant of former Lawes, cited in the act it self, wherein there is no more craved; but that the former acts of Parliament, against leasing makers, and makers of division betwixt the King and his Subjects, may bee revived; And that the Councell and Session, may bee comptable to your Majestie, and the Parliament, for any injustice shall happen to bee committed by them.

Where it is alledged, there was one article, *That no taxation should bee granted, but in plaine Parliament*, we remember of no such article or motion proposed.

As concerning the *act of pacification*, The warrant and ground thereof, flowes from the humble petitions and remonstrances of your Majesties Subjects, wherein they did cleare their loyaltie, and made offer of their civill and duefull obedience to your Majestie. And which by their humble supplication to your Majesties Commissioner, and Lords of Councell, and to the Estates of Parliament, insert and registrat in the records thereof, They have againe solemnely renewed. And from your Majesties favour, in condescending to the articles of pacification, wherein your Majesty was graciously pleased, That an act of pacification or oblivion, should be past: And in the narrative of the Act it selfe, there is one humble and thankfull acknowledgement of your Majesties goodnes and Justice, and is drawne up in such termes, as was conceived, might best expresse your

Majesties fatherly care and goodnesse, toward your ancient and native Kingdome, without wronging the true and loyall meaning and intention of your Majesties Subjects: And as for the body and legall part of the act, the same was after much debating, framed with advyce of Lawyers, and consented unto by the parties chiefly interested.

As to that article anent *particular commissions of Justiciarie and Lieutenandrie*, all which was intended or desired thereby, was, That the abuses of these commissions, might be in all humilitie represented to your Majestie, by your Commissioner: And that your Majestie might be graciously pleased, to grant the like commissions, onely upon weightie and necessar causes, and to endure onely during the time of necessitie, and the ingivers of the act was content to have it reformed that way.

As concerning that act given in for *Sheriffes and stewards, craving that they might only be obliged to produce hornings for the taxation*; It is not a new desire, but that which hath been craved by them in diverse former Parliaments; And they think, that production of hording against the persons lyable in payment, should bee an exoneration to them; because they alledge; they want many of the casualities and benefices, which Sheriffes had of old by vertue of their office.

As concerning the proposition which was made, *anent the patent for making of powder*. All that wee remember was craved by the ingivers of that article, was, that in respect the *Earle of Linlithgowes* patent, was voyde by a clause irritant in his patent, whereby he was obliged to keep the Works going, and which
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are now decayed, and the Countrey frustrate of the benefit and profit which might have accressed to them through that commoditie. That therefore it might be allowed to any who were most fit and able to undergo the worke to make powder.

As concerning the act given in for *discharge of remissions for murder, slaughter, theft, but upon satisfaction to the parties*: All that was intended or craved thereby, was onely, That the heauey prejudices redounding to the Countrey by remissions, purchased upon misinformation, might be by supplication presented to your Majesties consideration; That by your Majesties goodnesse and justice, the like inconveniences in time coming may be prevented.

As for that act craving *discharge of protections*, there was nothing craved thereby, but the reviving of two former acts of Parliament, viz: the 47. *act. Parl. II.* and 13. *act. of the 23. Parl. K. Ja. 6.* without any derogation to your Majesties power or authoritie, which was done with the Commissioners consent: Likeas it was recommended to him, to represent the same to your Majestie, with the reasons thereof.

The reason of the act of *common reliefe*, is, Because as the blessings of Religion and peace, which from your Majesties happy government and fatherly affection to your Majesties ancient and native Kingdome, especially at this troublesome time, are common benefites, whereof every good subject ought to be sensible. So is it agreeable with reason and justice, that according to their interest, every one may contribute a proportionall part of the charges, which hath been spent for so good ends, and the ordinar cause for which taxations are granted, are *ad relevationem imperii, ob con-*

*servationem libertatis ac dignitatis, ac religionis, vel ob
utilitatem communem subditorum*, wherefrom albeit
some be averse, yet the consent and voices of the most
part should oblige for these ends, whereunto your Ma-
jesties consent, and royall authoritie is humbly craved
to be added, that the same may flow from your Maje-
sties goodnesse and Justice, and have execution to in-
ferre paymēt thereof, seeing the whole Commis-
sioners of Shyres, and Burrowes, and the whole Nobili-
tie (very few excepted) are content freely and wil-
lingly to make offer of their proportionall part there-
of.

As for that article craving the act 1633. (*ordai-
ning that confirmations and infestments of Waird lands,
shall not prejudice the Kings Waird*) to bee repealed,
There was no dispute nor conclusion made there anent
in articles, neither (as we remember) was it craved by
that article, that the act 1633. bee repealed simply,
but that the meaning of that act may be explained and
interpreted.

As for the article or act, anent *the due tie payed to
the conservatour upon coale*, The same is craved to bee
discharged by the coal-masters, because it was an un-
lawfull exaction, which he had no warrant to exact by
his gift, which was instructed in articles by produ-
ction of his gift, whereupon the act was past in ar-
ticles.

The desire, craving *ammunition, and armes brought
in, to be custome-free*, is warranted in Law, in so farre
as the commodities either expected or imported for the
particular use of Noblemen, Barons, and Free-holders,
which are for their owne use, and not to be sold againe,
are by act of Parliament declared to be custome-free.

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As concerning the article anent *the election of the President of the Session, and admission of the Judges presented by his Majesty*. There was no new thing craved thereby, but the ratifying and approving of the 39. *act. Par. 6. K. Ja. 6. 1579.* And that allanerly in so farre as concernes the freedome of election, to be made by the Senatours of the Colledge of Justice, of the president thereof, without any other clause of the said act: Neither doth the act given in, beare any thing concerning the admission of any other Judges presented by your Majestie.

As for that article, anent *Statesmen, being Noblemen, to have but one voice*, we remember nothing of any such question.

As to the last proposition, Concerning *the opposition made by the rest of the Clerks, against Master William Hayes deputation in his fathers place*: The Commisshoner to whom they did produce their reasons in writ, can best give an accompt thereof.

And albeit wee have in obedience to your Majesties commandement, according to our bound duetie, shewn the reasons why these propositions (whereof your Majestie hath taken notice, as prejudiciall to your authoritie) were demanded, yet many of these propositions are of so small moment, being onely and meerely about the interest of privat persons, as they are of no publick concernement, & *de minimis non curat lex*. Nor doth the Parliament stick upon these or any other articles of that kind any farder, nor as they have cleare warrant of Law, and as your Majestie and Estates shall find them convenient for the good of your Subjects: But the humble and earnest desire of your Majesties Parliament, is, That seeing wee have showne

your Majestie their humble desires, and reasons of their demands) your Majestie may bee graciously pleased to command the Parliament to proceede, and ratifie the conclusions of the Assemblie, and passe such acts as are necessar for establishing of Religion, and for the good and peace of the Kingdome, according to the articles of pacification, That by the mutuall embracement of Religion, and Justice, under your Majesties happie government, Trueth and peace may kisse one another, and the joy and chearefull obedience of your Majesties Subjects may bee encreased.

After the deliverie and reading of which answers, and answering all objections which were proponed by his Majestie, or those of the Committee thereupon, (which our Commissioners immediatly after their parting with his Majestie, did put in writ) They declared that they had according to their Instructions, with honest and willing hearts performed that charge which was laid upon them, and did show his Majestie, how much Religion, and that whole Kingdome did suffer by delays: And that it would please his Majestie to give them their dispatch, that they might returne to those that sent them, who are longing much for the returne of his Majesties gracious answer. Being thereafter removed, and within the space of halfe an houre called in; The Kings Majestie said, That hee could not now appoint them any time for dispatch: But that his Majestie would take his owne time to consider of their answers, and would then make his farther pleasure knowne to them.

After that our Commissioners had thus acted their part faithfully, in what was committed to them by us, demanded of them by the King, and could be expected from them by others: This Declaration cometh forth under his Majesties name, which may make his Majesties pleasure knowne to them, and no more but known, they being shut up and one of the Noblemen put in prison, upon some pretensions of our powerfull enemies (which what they are shall appear afterward) so that they are deprived not onely of the benefit of further hearing, but of all libertie to justifie themselves, and their proceedings. A necessitie therefore is laid upon us to compare the Proceedings with the Declaration, that if there be any demands, accusations, or objections (as we beleeve there bee few or none) which have not been proponed to them, they may now be examined by us and satisfied.

First, concerning the forme of electing the articles, nothing can be said by us, which can so satisfie the minds of such as are not acquainted with this difficulty, as the article it self as it was conceived, (which yet with other particulars of this kinde we are constrained to spare, lest these papers grow to a greater bignesse then wee intended) for the article is disjunctive, that either the whole Parliament, or each estate by themselves severally shall choose the articles: And therefore although it were proven by some practicks, that every Estate did not choose their own articles, but that they were chosen by the whole Parliament, this doth not militat against us, but falleth into the other part of the disjunction contained in the article: We holding this constantly, that neither by the records of Parliament which are kepted up from us, and unto which we appeal, nor (so farre as we can learne of old

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Noblemen who have assisted in Parliament for many years) by the testimonies of Parliamentarie men in the years 1609. and 1612. specified in the Declaration pag. 21. or any other year before 1617 can it be shewne that the forme used since the year 1617. had place in the election of the articles; it was introduced with the Prelats, and must go forth with them again: it being impossible that Bishops having no place in Parliament by vertue of the act of Assembly, and of his Majesties Declaration, promising to confirme the acts of the Assembly, can have any place in the articles. And therefore that it was necessarie that the election of the articles should be altered unto the forme used before 1617. even when Prelats had voice in Parliament; which can neither reflex upon his Majesties royall authoritie, nor upon the internall life, or externall lustre and glorie of the high court of Parliament. What is objected for the power of the articles, Declaration pag. 21. is so clearly and fully answered by our Commissioners, pag. 19, 20, 21. that nothing more. Nothing can belong to them by vertue of any preceeding act of Parliament, or by the nature of the thing it self, which is to be a preparatory committee for the Parliament, that shall by us be denyed, although it must be confessed that it belongeth properly to the Parliament to determine their power, as in their wisdom they shall finde convenient.

Concerning the constitution of the Parliament, it was necessar that it should suffer also some alteration, but that was accidentall and by inevitable consequence following upon the act of the Assembly, and subscription of the Covenant by his Majesties Commissioner, and upon his Majesties irrevocable Declaration, which can never be interpreted to have any affinitie with Treason Spoken of

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In the Declaration, except we will say that the Kings Majestie and the whole Estates of Parliament who have full and uncontrolable power to make and abolish laws can runne themselves in the guiltinesse of that crime upon changing of their own laws and customes: the fear is greater, that acts of Parliament made for the advantage and advancement of Prelats against the Confession of Faith and Covenant of God, and against many protestations of the Kirk be Læs. Majestie divine to be repented of, lest it pull down upon us the wrath threatned this day.

Acts of rescission or repealing are so necessary, that it were not onely an incongruitie, but a repugnance to make a new act, and withall to suffer former acts ordaining the contrarie to stand in vigour, and not to abolish them: but the cause of quarrelling is in the matter of this act of rescission, which cannot be remedded, except by rescinding of the act of Assembly, of the Confession of faith and Covenant, and of his Majesties Declaration which we trust shall never be repented of, since it can be no diminution of his Majesties right or power in Assembly or Parliament; and since the Pastors of the Kirk desire not to meddle with the civil affairs of the Kingdome, and are heartily content, for their means of life and any temporall thing that they possesse, to be represented by the temporall estates of Parliament, as the rest of his Majesties Subjects are, whatsoever their calling or qualitie be. Were the fountains and first originall of this place and power of spirituall or Kirk Lords discovered, they would be found so bitter and venomous both to King and people, that they would be soone disgusted of them, and would be glad to apprehend the opportunitie of the temperament and moderation of Kirkmen, willing to sequester themselves to the care of

Souls from State affairs, and secular government, which have ever proven unluckie in their hands, as never being created of God for such a worke, and the bane of Religion, and the service of God, as we of late and many other nations before us have found.

It is known that an act of oblivion in such a case of peace making and accomodating of affairs, is very different from an act of Remission: for although it becometh not Subjects to stand upon pointiles, subtilties, or complements with their Prince, yet knowing the minds and malice of our adversaries, who upon the least word from us would begin to justify themselves and condemne us from our own mouths against their just sufferings, that they might be conquerours in the end. And resolving to remain constant in the Confession of our own innocency, that we had neither deserved the imputation of Rebellion and Treason, nor yet any hostilitie and invasion, but were certain our selves, and laboured to certifie the Kings Majesty of our uprightnesse and sincerity in all our actions, we judged it most reasonable in humilitie to acknowledge his Majesties justice, goodnesse, and fatherly care in giving way to the settling of these commotions, and withall to have the authors and abettors to bear their own blame and burthen, wherof to exoner them were to wrong the Kings honour, and without faultinesse to defile and oppresse our selves and the cause of God.

The answers of our Commissioners, Concerning the act of reliefe, and the Five demands, pag. 26. 27. and to many other propositions made to them, are so full, that we need to adde nothing; Our adversaries have concealed more of the grounds of our actions as they are propounded by our Comissioners, supposing, it may be, that they shuld never see the light, then they have opposed unto the truth ex

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pressed by them, yet one point of their artifice, it is not meet that we should passe over, They charge us, upon our propositions of keeping our Castles by natives, and of denying patents of honour to strangers, but by such as have a competencie of Land-rent within the Kingdome, that thereby we are working division, and waking ancient Nationall animosities, and in the mean while they fall in the fault themselves, and labour by all means to provoke the English against us, that our mutuall union of brethren may be changed in a slavery and subjection of the one Nation to the other, that the glory of one of the two Crowns may be hid under the other, and there may be no other relation but of Master and servant, which may have more aw and authority, but lesse love and good liking. We indeed profess, that at this time it is hard to admit Garrisons of the English within our Castles (although for winning the Kings Majesty to think the better of us that hath been done) and we referre to the English themselves, whether they think it reasonable or well grounded policie to conferre titles of honour and voice in Parliament upon men who neither have place, nor office, neither house nor land, neither sowing nor reaping in this Countrey. But it is comfortable to us to think, and is unto us a ground of many hopes, that the two Nations so long, and so far divided before, are in our time straitly joyned, not only by naturall union in one Iland, but also spirituall in one Religion, civill under one Head, morall in the mutuall interchange of so many duties of love: And domesticall, by marriages and allyances, bringing forth children to be pledges of increasing and ever during love to both Nations; we heartily wish, that all our Countrey-men honoured there were like Joseph, or Daniel, or Mordecai, men of many blessings unto them, although through the absence

sence of our King we be deprived of the opportunity and means, that they may wish the like happines unto us here: Neither shall there be any favour put upon our postnati amongst them in Parliament, or otherwayes, but we shall strive in all thankfulness to equall it according to our small power. But withall we wish that our unworthy and dis-natured Countrey men may find small respect there: and such as are highly respected and honoured, forget not in the time of necessity the Religion and liberties, the soul and life of the mother that bore them, and the breasts that give them suck.

When the Parliament had proceeded in their articles and demands after this manner, and upon very good grounds we promised unto our selves a peaceable conclusion. The Lord Commissioner sheweth, that it is his Majesties will that the Parliament be prorogated to the 2. of June, and that by his Majesties authority only: of the prorogation, the pratenion is pag. 30. that our aime was not now for Religion, but to alter the whole frame of civill governement: The deduction of our proceedings by our Commissioners hath shown what our aime hath been, and what reasons and means we have used to attain it. The settling of Religion, as it should be determined in assembly, was promised. And therefore no necessary consequence thereof, although importing some alteration in the members or order of the Parliament, should have been denied. Other matters of Religion may be settled by Law, without the smallest alteration of Parliament. But when it is found by the Assembly of the Kirk to be against Religion, that the Ministers of Christ be Lords of Parliament, a change in Parliament must needs accompany it. Other things were promised, which might conduce for the good and peace of the Kingdome. The particulars which were presu-

presumed to be of this kind, were proponed and demanded, and ought to have been disputed in face of Parliament, and either received or rejected as they did deserve. Of the proroguing of the Parliament by his Majesties meer commandement, the reason is given pag. 31. because we had disputed it: upon what grounds the dispute was, may be apparant from the declaration of Parliament: Which we have here set down for two reasons: One is, that it self may be instead of an answer against what is opposed. And therefore we only desire, that after the censure thereof is read, it may be read the second time, and considered, and there will need no other reply: Another reason is, that the difference may be seen betwixt the declaration which was made by us in the Parliament-house, and that which was printed by his Majesties authority; we mean not escapes of the Printer, but willfull errorrs of the Author, that no man may any more be ignorant, how far the King there, and the Kingdome here are abused; we suppose the Reader to be honest and judicious, that we need not insist in expounding the causes why such and such parts of our Declaration are left out: and therefore will content ourselves to describe the words and clauses which are past over in a small Character.

The Declaration of the Estates of Parliament,
concerning the prorogation of the
Parliament, &c.

WE Noblemen, Barons, and Burgeses, Commissioners of Shyres and Burrowes convened in this supreme Court of Parliament by his Majesties solenne induction, and holden by John Earle of Traquair his Majesties

jesties high Commissioner, do with all dutifull and loyall
 respect unto the Kings most Excellent Majesty, and with
 our best affections to the preservation of the Body of this
 Kingdome which we now represent, make known, that
 where contrary to the malignant disposition, and the wic-
 ked devises and practises of some of our disnatur'd Coun-
 treymen and their complices, his Majesties face did not
 only begin to shine upon us, to the calming of all these tem-
 pests and troubles which were at first raised by their own
 inventions and innovations of Religion; but his Majesty
 did also with advise of the Counsellours of both Kingdoms,
 declare and assure, that it was his Royall will and pleasure
 for afterward, That all matters Ecclesiasticall should be
 determined by the Assemblies of the Kirk, and matters ci-
 vil by Parliament, and other inferiour judicatories esta-
 blished by Law, which was and is the summe of our whole
 desires; and therefore was pleased to indiect a free Generall
 Assembly, to be convened at Edinburgh the 12 of August
 for settling the peace of the Kirk, and a Parliament to be
 holden 26. August, for ratifying the constitutions of the
 Assembly, and for settling such other things as may con-
 duce for the peace and good of the Kingdome. And because
 his Majesty could not be present in his own Royall person,
 (which was our earnest desire and had been our great de-
 light) It pleased his Majesty so far to tender the minds of
 his well meaning subjects, as to promise unto them a Com-
 missioner instructed with full power, to bring matters to a
 finall conclusion both in Assembly and Parliament, against
 all fears of frustration, and jealousies of prorogation, or de-
 layes. And for samee ke as John Earle of Traquair,
 his Majesties Commissioner, honoured with a most
 ample Commission, according to his Majesties Royall
 word, having closed the Assembly, and having sitten
 with

with us in Parliament a very long time, for debating and preparing such articles as were to bee presented in face of Parliament, doth now take upon him, and that without the consent of the Estates, and without any offence on their part, who have endeavoured in all their proceedings, to witnesse their loyaltie to the King, and duety to his Grace, as representing his Majesties sacred person, to prorogate the Parliament upon a private warrant, procured by sinister information, against his Majesties publick Patent under the Great Seale, *and that upon pretence of a clause in the Commission under the quarter Seale, which was only for fencing & continuing of the Court till the down-sitting of the Parliament, and that even by representation of the Estates, who now being present themselves, cannot be represented by Commissioners, but doe directly dis-assent, which warrant is now expyred in it self, and is not renewed under the quarter Seale;* whereby hee doth heavily offend all his Majesties good Subjects, and indanger the peace of the whole Kingdome, for which he must be lyable to his Majesties Royall animadversion, and to the censure of the Parliament; this being a new and unusuall way without precedent in this Kingdome, contrary to his Majesties honour, so farre engaged for present ratifying of the acts of the Kirk, contrary to the Lawes, Liberties, and perpetuall practice of the Kingdome, by which all continuations of Parliament once called, convened, and begun to sit, have ever been made with expresse consent of the Estates, as may bee seen in the reigne of *K. Jam. 6. 2. Mary, K. Jam. 5. K. Jam. 4. K. Jam. 3. K. Jam. 2. K. Jam. 1. and so forth upward in all the printed and written Records of Parliament, contrair to the publick peace both of the Kirk and King-*

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dome, which by reason of the present condition thereof, and the great confusion like to ensue, cannot endure so long delay, and which is to the advantage of our malicious adversaries, who for their own ends, are uncessantly seeking all occasions, by dividing betwixt the King and the Kingdome, to bring both to utter ruine and desolation. THEREFORE Wee the Estates of Parliament, out of our zeale to acquite our selves according to our place both to the Kings Majesty, whose honour at all times, but especially conveined in Parliament we ought to have in high estimation, and to the Kingdome which we represent, and whose Liberties shall never be prostitute nor vilified by us, are constrained in this extremity to manifest and declare to all men who shall hear of our proceeding, that as we have not given the least cause, or smallest occasion of this unexpected and unexemplified prorogation, So we judge and know the same to bee contrair to the constitution and practises of all preceeding Parliaments, contrair to the Liberties of this free and ancient Kingdome, and very repugnant to his Majesties Royall intentions, promises, and gracious expressions in the articles of the late pacification, which we trust will be no sooner presented to his Majesties equitable consideration, but the adversaries who have informed against us, shall be driven from his Majesties presence, and receive their deserved recompence of reward. And wee doe further declare, that any prorogation made by the Commissioners Grace alone, without consent of the Parliament by himselve, or any Commissioner in his name; or under the quarter Seal, or by the Lords of the Councell, who have no power at all in matters of the Parliament during the sitting thereof, shall be ineffectuall, and of no force at all to hinder
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the lawfull proceedings of the Subjects, and the doers thereof to be censurable in Parliament. And farther we declare, that the Commissioner his nomination of the articles by himself, his calling together these articles, and commanding them to sit continually, and proceed, nor withstanding their daylie protestations to the contrair, his keeping frequent Sessions of Councell, and determining causes in Councell during the time of the Session in Parliament, his calling down and calling up of money enduring the Session of the Parliament, without consent of the Estates of Parliament, notwithstanding that the Parliament had taken the money to their consideration, and had purpose to have given their advice for a determination there-*anent*, his frequent prorogating the ryding of the Parliament without consent of the Estates, or mentioning in the acts of prorogation the consent of the articles, although it was done by their advice, are contrary to the Liberties of this Kingdome, freedome and custome of Parliament, and that they be no preparatives, practiques, nor prejudices in time coming against us or our successours. But because we know that the eyes of the world are upon us, that Declarations have beene made and published against us, *and malice is prompted for her obloquies, and waiteth on with open mouth to snatch at the smallest shadow of dis-obedience, dis-service, or dis-respect to his Majesties commandements*, that our proceedings may bee made odious to such as know not the way how these commandements are procured from his Majestie, nor how they are made knowne and intimat to us, And doe as little consider, that wee are not now private subjects, but a sitting Parliament, what Nationall prejudices we have sustained in time past by

misinformation, and what is the present case of the Kingdome. Wee therefore declare, that whatsoever by the example of our predecessours in the like cases of necessitie, by his Majesties indiction, and by the articles of pacification we might doe lawfully in sitting still, and which in this extreame necessity were justifiable, not onely before so just a King, but to the faces of our adversaries: yet out of our most reverent regard and humble desire to render not onely all reall demonstrations of civill obedience, but to put farre from us all shew or appearance of what may give his Majestie the least discontent, We have resolved for the present onely to make remonstrances to his Majestie of the reasons of our propositions and proceedings in this Parliament, *and how necessary it is, that without delay a speedy course be taken for the preservation of the Kirk and Kingdome, from the evils which the enemies of our Religion, the Kings honour, and of our peace, do project and long for.* And in expectation of his Majesties gracious answer to these our humble Remonstrances, that some of each estate having power from the whole body of the Parliament, remaine still here at *Edinburgh* to attend the returne of his Majesties gracious answer to our humble and just demands, & farther to remonstrate our humble desires to his Majestie upon all occasions, That heereby it may be made most manifest against all contradiction, that it was never our intention to deny his Majestie any part of that civill and temporall obedience which is due to all Kings from their Subjects, and from us to our dread Sovereigne after a speciall manner, but meerely to preserve our Religion and the Liberties of the Kingdome, without which, Religion cannot continue long in safeties.

And

And if it shall happen (which God forbid) that after wee have made our Remonstrances, and to the uttermost of our power and duetie, used all lawfull means for his Majesties information, that our malicious enemies, who are not considerable, shall by their suggestions and lies prevaile against the informations and generall declarations of a whole Kingdome. We take God and men to witnesse that wee are free of the outrages and insolencies that may be committed in the meantime: And that it shall bee to us no imputation that we are constrained to take such courses as may best secure the Kirk and Kingdome from the extremity of confusion and misery. Which Declaration above written, wee the Estates of Parliament, require the Clerk to insert in the records thereof, and grant extracts thereof under his hand and subscription.

This is the just copie of the Declaration, produced and read in the utter house of Parliament upon the 18 day of December 1639 According whereunto, the Nobilitie nominated and appointed, the Earles of Lothian, and Dalhousie, the Lords Yester, Balmerinoch, Crathstoune, and Naper : The Barons nominate the Commissioners of the three Lothianes, Fyfe, and Tweddell: The Borrows nominate the Commissioners of Edinburgh, Linlithgow, Stirling, Hadingtoun, Dumbar, to attend here at Edinburgh the retorne of his Majesties gracious answer to their humble Remonstrances.

Sic subscribitur,
Alex. Gibsone.

BETWIXT the prorogation of the Parliament and the sending of our last Commissioners, three points are touched in the Declaration: One, that the Earle of Dumfermling, and the Lord Lowdown were sent with Commission from the Parliament, to make their remonstrance to his Majestie, but were not admitted to his presence, and were commanded to returne; because they were not licenced or warranted by the Commissioner, and had not acquainted him with their propositions: *Although it be of verity that the Commissioner had shewen to diverse of the members of the Parliament, his Majesties own warrant for the coming of some to his Majesties presence, which to them seemed more sufficient and of greater authority, then any thing they could have from himself; and why might not they have somethings to propone or to complain of upon the Commissioner to his Majestie, which was not fitting to acquaint him with, that his Majestie in his fatherly affection, which cannot be transmitted to another, might judge between him and them: It was in his Majesties power to give such answer to their propositions as seemed good in his own royal wisdom but to comand them who had not bin sent without his Majesties warrant, to return unheard, after so long a journey, was more then could have been expected or suspected by a Kingdome convened in Parliament by his Majesties authoritie.* The second is, that the Earle of Traquair at his coming made a large and exact representation to the Councel of England, of the most considerable matters proponed in Parliament: *of the largenes of his relation wee doubt not, but how exact it was our adversaries can best discover, who had taught him before so to say his lesson*

lesson in publick, as might serve most for the ends intended
 by them, especially to animat England against us, for
 which they have set their wits since the treatie of peace to
 make all means, whereof this was a powerfull one, to co-
 operat. The third is, the judgement of the Lords of his
 Majesties council of England, to reduce us to our
 ductie by force, rather then to give way to our de-
 mands. Of which we say no further, but that it was the
 sentence of a Council, and of the Council of England a-
 gainst a Parliament, and the Parliament of another King-
 dome: That it was pronounced upon the hearing of the
 relation of one man, a new creature, and but of yesterday,
 against a whole free Kingdome of ancient Nobles, Barons,
 and others, whose Commissioners two Noblemen were
 even now barred from hearing and presence: and that it
 was in a matter of warre and peace, which might ingage
 both the Kingdomes, then which nothing could be more
 important for the present generation and for the posterity.
 In Council is stability, but this is found not by precipita-
 tion, but after many dayes agitation, when the matters
 debated are more then ordinarie, and such as, it may be,
 fall not to be considered, once in many ages. To us we con-
 fesse, it seemed incredible at first, and afterward a mat-
 ter of demurre and astonishment.

Although our Commissioners formerly sent, were re-
 pulsed, yet we did not desist, but remembring that we were
 dealing with our own native King, who might be moved
 to know and compassionat us his own people at last, we
 sent this humble supplication for a new hearing.

To

*To the Kings most excellent Majestie, the Remonstrance
and Supplication of the Noblemen, and Commissioners
of Shyres, and Burrows, his Majesties good Subjects
of the Kingdome of SCOTLAND,*

Humbly shewing,

THAT where the great want of your Majesties royal
presence in person at the high Court of Parlia-
ment, as we have also at other times experienced,
hath been apprehended by our adversaries for a fit
opportunitie to their mis-informations and hard im-
pressions against our proceedings in Parliament, as
trenching upon your Majesties sacred and inviolable
authoritie, as not warranted by the fundamentall
laws and laudable practices of this your Majesties
ancient and native Kingdome, or as contrary to the
promises and remonstrances which were made to your
Majestie by your humble subjects, in the truth of their
hearts, and were in the same sense graciously accepted
by your Majestie. And although to our common re-
gret, and the suspending of our hopes and humble
desires, your Majestie hath thought meet to give or-
der to Your high Commissioner to prorogat the
Parliament: yet such hath been your Majesties wise-
dome, justice, and goodnesse (which in all humble
thankfulnesse shall ever bee remembred by us) that
your Majestie hath kept one ear for us, and would not
harken and give place in your Royall heart to sugge-
stions and obloquies of our enemies, till the reasons
of our proceedings were made known from our selves,
and

and we should have the favour of a full hearing: And for this end, it was your Majesties royall pleasure to permit and allow the Estates of Parliament, to send some of their number to give your Majestie true information; which being conceived by them for a sufficient warrant, made them direct two Noblemen, the Earle of *Dumfermling*, and the Lord of *London* to your Majesties Court, instructed with full commission to that effect: But since your Majestie judged it not convenient to grant unto them accessse and audience at that time; We now from the sense of the distressed condition of this your Majesties Kingdome, which we nothing doubt but your Majestie will in your tender and fatherly ear, compassionat, do in all earnestnesse desire, and in all humility supplicat, that your Majestie may be pleased, upon this our declaration, that we intend nothing but what shall merit approbation at the throne of your Majesties justice, to give commandment for the proceeding of the Parliament, that thereby our evils may bee cured before they be past remedie, many dangerous consequents may be prevented, and the troubled estate of this Kirk and Kingdome speedily settld, which is the longing desire, and universall expectation of all your Majesties peaceable Subjects: Or if your Majestie shall finde it necessary for their further satisfaction against all exceptions to make particular inquirie, and to take notice of the reasons of our proceedings and demands from our own mouthes, which we shall be most willing to render; in that case we are confident that your Majesties royall ears will be in the meane while shut against the sinister informations of such men as are fallen out with the times, and think our common calamities

ties a mitigation of their just sufferings. And doe humbly enreat that your Majestie may be pleased to give signification of your Royall will herenant, and to grant warrant for sending some from us to your Majesties presence, that so soone as may be the Parliament long since begun by your Majesties indiction, may by your Majesties wisdom and goodnesse, have the wished conclusion, to your Majesties honour, and the joyfull acclamation of the whole Kingdome.

To which this answer was given :

At his Majesties Court at Whitehall the
11 day of December, 1639.

HIS Majestie having read and considered this Supplication, is graciously pleased to permit such number of them to repair thither, as they shall please, to shew the reasons of their demands.

Sic subscribitur,

Sterline.

VPon this answer foure Commissioners were sent, who did acquite themselves in their charge, as is expressed before in their Supplications, speeches, answers, and whole proceedings. Concerning which there be three things mentioned in the Declaration to make them all null and themselves odious; First, that they were not instructed with sufficient Commission, which is abundantly answered by themselves pag. 14. For their commissi-

on behoved to be deficient; either in the forme and authoritie, or in the subject and matters to be treated: The authoritie was as great as first the Parliament then sitting, and thereafter the Commissioners of the Parliament could grant: And where it is said pag. 44. that they were persons of no great eminencie who did subscribe: Their Commission we desire to be considered, 1. That the first commission was subscribed by the Subjects of every qualitie sitting in Parliament: 2. That the second commission could not be subscribed in that manner, the Parliament being no more sitting but prorogated, but behooved to be subscribed by the Commissioners of the Parliament, authorized to sit at Edinburgh for making remonstrances, and receiving answers from his Majestie. The meanest of these Commissioners whosoever he was in person, was in this act, of greater authoritie and eminencie, then the most eminent in the Kingdome, who was not clothed with the same commission: And therefore although there were many Noblemen in Edinburgh for the time, yet they did not signe the commission, because they had no warrant from the Parliament, and that forme of doing hath been reprehended in former times as displeasing to his Majestie, and so was the authority sufficient. As for their limitation in the matters to be treated before his Majesty, it may appear by his Majesties allowing them to come up under the Secretaries band, that they went to give the reasons of the demands made in Parliament, and withall did declare as is contained in their proceedings, pag. 45. that the Parliament doth not stick upon these or any other articles of that kinde any further, nor as they have clear warrant of law, and as his Majestie and the Estates shall find them convenient for the good of the Subjects. And did supplicat that his Majestie

would be pleased to command the Parliament to proceed, and ratifie the conclusions of the Assembly, and passe such acts as are necessarie for establishing Religion, and for the good and peace of the Kingdome according to the articles of pacification.

But that we may remove all suspition of latent or under-hand dealing, wee have here set down the just copie of the instructions given to our Commissioners first and last.

Instructions from the Noblemen and Commissioners of Shyres, and Burrows conveened to attend this present Parliament, To the Earle of Dumfermling, and Lord Lowdown, concerning such businesse as they have desired to be imparted to the Kings Majestie: Subscribed with their hands, At Edinburgh the first day of November, 1639: By some of each Estate for themselves, and as representing the rest of their number at their command and desires.

1. **F**irst to shew and declare, that our desire anent Religion is, That wee may enjoy the same according to Gods word, the Confession of Faith, and constitutions of the Kirk of Scotland; and that all matters Ecclesiasticall shall be determined by the assemblies of the Kirk, without incroatching upon the libertie, priviledge, and government of any other reformed Kirk.

2. To shew and declare, That wee never had, nor have any intention to diminish his Majesties greatnes, and authoritie, which by the law of God, and of this Kingdome, and by the descent of 108 Kings, wee acknowledge

knowledge to be due to his Majestie: neither did we ever intend to impair or withdraw our selves from civil and temporal obedience to his Majestie: but in every thing to carrie our selves as becometh faithfull, humble, and loyall Subjects, whereof we shall be ready to give reall demonstration and proof when his Majesties service shall require the same.

3. To shew how grievous it is to his Subjects, That wee heare his Majestie is mis-informed and displeased with any of our proceedings. The lawfulnessse and loyalty whercof, we desire ye may clear to his Majestie.

4. Ye would give to his Majestie a true information of all our proceedings in the Assembly and Parliament, whereof ye have the special acts and reasons for the same, and justifie them against all aspersions and objections, especially ye would clear they do no wayes trinch upon the Kings authoritie, whereof his Majestie seems to be mis-informed.

5. Ye would shew the great prejudices of this Kirk and Kingdome, by continuall by-gone letts, and delays of the progresse of the Parliament, and how much it may contribute to his Majesties honour, the Subjects content, and for procuring of heartie and chearfull obedience, That the affairs of this Kirk and Kingdome may without longer delay be settled, especially seeing all the Subjects desires are given in to the Parliament and articles, and are such as agree with the articles of pacification, without the least wronging of his Majesties authoritie, or impairing of the Subjects civill and duetifull obedience.

6. Ye would therefore urge after your clearing of all objections made against any of our acts and proceedings, That his Majestie may bee graciously pleased

sed to direct his Commissioner to go on in Parliament, without further delay, to determine all the articles by the advice of the Estates, and to the ratifying of the conclusions of the late Assembly, and settling all such other things as may conduce to the publick peace and good of this Kingdome, according to the articles of pacification, and his Majesties Commission under the great Seal.

7. For the clearer determining of all questions, ye would earnestly desire the production of the laws and records of Parliament, the up-keeping whereof is contrarie to all law, practise and reason.

8. If the King will not condescend to give order to his Commissioner to goe on presently in Parliament, for ratifying the acts of the Assembly, and for determining and deciding such acts as are given in to the articles, then at the least his Majesty may be graciously pleased to enjoyne the Commissioner to prorogate the Parliament in the tearmes contained in the offer made to him, which ye have with you.

9. And if his Majestie send for the Commissioner, ye would try and advertise whom yeethink fittest to bee sent from the Estates with the Commissioner, to informe the Kings Majestie more fully, and to procure his Majesties warrant for their up-coming, for better clearing of matters, and for his Majesties further satisfaction.

10. Ye would be frequent and sure in your advertisements to us how our businesse goeth, and what yee conceive will be fittest to be done by us here.

11. Ye would remember the many grievous complaints given in to my Lord Commissioner, and Lords of articles by these of this Nation who are In-dwellers,

lers in Ireland, of whom oathes are exacted, unwarrantable by the Lawes of the Church of Ireland, as also some of this Nation have been pressed in England with the like oathes.

At Edinburgh 20. Jan. 1640.

Instructions from the Commissioners appointed by the Estates of Parliament to make remonstrances to his Majesty of the reasons of the propositions and proceedings in Parliament, and for receiving his Majesties answers, and upon the return thereof to remonstrate their humble desires to his Majesty upon all occasions given to the Earle of Dumfermeling, Lord Lowdown, Sir William Douglas of Cavers, and Master Robert Barclay Provost of Irwing, Commissioners direct to his Majesty, with the advice of the Noblemen and Commissioners of Shires and Burrows conveyed for the time, which are added to the former instructions granted to the said Earle of Dumfermeling, and Lord Lowdown by the Estates of Parliament, Novemb. 1. 1639.

Seeing the Earle of Dumfermling, and Lord Lowdown were denyed accesle to impart to his Majestie the former Instructions given to them by the Estates of Parliament, and seeing upon their returne, his Majestie was petitioned to give order for proceeding of the Parliament; or if his Majestie should finde it necessary for his further satisfaction, to take notice of the reasons of our proceedings from some of our selves, that his Majestie would give signification of his Royall pleasure

pleasure here anent, and grant warrant for such as should be sent

And that now his Majesty by his answer to our supplication hath allowed and given warrant that such as we think fit to send, may repair to his Majesty to shew the grounds and reasons of our demands: Wee have for discharging of our humble duetie according to his Majesties commandement sent you up to impart to his Majesty the former Instructions given to the Earle of *Dumfermling*, and Lord *Lowdown*.

To shew that our proceedings and desires are agreeable to the Lawes and practises of the Kingdome and articles of pacification, as you were also directed to doe by the former Instructions: which when you have cleared, lest verball expressions be controverted, you shall give in the summe of our demands, and crave the answers thereof in writ, and what else shall be objected against us, or replied for our justification, and that for avoyding contestation about words in time hereafter.

If you bee called to give answer and account to the English Committee or Councell, or any other Judicatorie, you would shew that you are sent onely to his Majesty and discharged, likeas wee doe heereby discharge you, to answer to any Committe or Judicatorie, who cannot meddle in matters of the Parliament of this Kingdome, being independent of any, but of God and the King.

Because wee heare that sinisterous informations, and the late relation made by his Majesties Commissioner before the whole Councell of *England*, hath given hard impressions against our proceedings, whereof as we cannot but be sensible, so you shall crave, that his Majesty

Majesty out of his tender care and fatherly compassion of his subjets (who esteeme no earthly thing more grievous to them, then that their loyaltie to his Majestie should be called in question, and their proceedings traduced) may be pleased to allow you that favour, to cleare them in publick before his Counsellours of both Kingdomes from these unjust imputations, without acknowledging them as a Judicatory, which you must alwayes decline.

You shall be earnest with his Majestie for obtaining a short day to be assigned for the sitting downe of our Parliament, not onely for remeiding these great evils formerly knowne, but also the confusion wherein the Subjets are cast by the copper-money lately coyned, going at so high a rate, far above the intrinsick value, which being called down and up by the Councell within the space of eight dayes, is made so questionable, that scarce will any receive it till order be taken therewith.

That for such desires and motions as were made in articles, and which the Commissioner required might be communicat with the King before the Parliament should determine thereof, his Majestie being now acquainted therewith by his Commissioner, may return the signification of his Royall pleasure there-ament, lest the proceedings of the Parliament by reason thereof be longer delayed.

You shall beseech his Majestie with all earnestnesse in our names to bee pleased to trust no mis-report of our desires and actions, till first he be pleased to communicate to us the Informations he hath received against us, that so we may either clear the same, or take the readiest way to give his Majesty all lawful satisfac-

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tion, which may prevent all mistakings in time coming.

Seeing by the articles of pacification his Majesty was pleased to appoint a Parliament for removing the distractions, and settling a perfect peace in this Kirk and Kingdome, you shall therefore demonstrate many of these acts and over-tures presented to the articles, whereat exception was taken, were so absolutely necessary for that end, as neither the causes could be removed, nor remedies applyed without them.

You shall remonstrate to his Majesty, how that contrary to the articles of pacification, whereby all things should have bin put in the like condition they were in before the late troubles. The Castle of *Edinburgh* which had no greater number then 24. or 30. men allowed for keeping thereof, is now furnished with six or seven score souldiers, who have victuals provyded and laid in for a 12. month, portpieces, garnets, fire-works, and all other hostile furniture, not fit for defence, but for harming the Towne of *Edinburgh*, notwithstanding the present Captaine professed hee desired no greater number of men then 60. for performing all duties in keeping that place. And that the Castle of *Dumbar-tan* is furnished in like manner, and manned with Englishmen, contrary to our acts of Parliament.

To answer the objections which either are proposed, or which wee conceive can be proponed against the acts and proceedings of the Parliament, according to the particular answers you have for that effect.

You are earnestly and humbly to intreat, that the Kings Majesty having heard his Commissioner and you to the full, may be graciously pleased to appoint the

the Parliament without any longer delay, to sit down and determine all the articles given in to the Lords and others of articles, whether they were past or referred, or not past, and to ratifie the conclusions of the late Assembly, and for settling all such other things as may conduce to the publick peace and good of this Kingdome, according to the articles of pacification, and his Majesties Commission under the Great Seal.

And if any new propositions or challenges which were not proponed before, and which may deeply concerne our businesse, and whereof you have not any ground or warrant to make answer in your Instructions and Informations, and which may necessarily require advice and answer from us before your returne, in that you shall write or send to the Commissioners appointed by the Parliament to remaine at *Edinburgh*, as you finde convenient to crave farther advice and instruction there-anent.

Seeing upon the relation of our proceedings, wee heare there is a Parliament appointed to be in *England* (which wee have this long time earnestly wished for, as the remedy of many evils, both for his Majesties good and the peace of the Dominions) wee are confident they shall consider the estate of our businesse, albeit wee and our Lawes are independant and different from them, as they are from us, wee are able to cleare to all who shall inquire in our actions and demands, that they are agreeable to the Lawes and Liberties of our Kingdome, and the duty of loyall Subjects; and that wee never had, nor have any intention to wrong his Majesties Princely power, or lawfull authoritie, nor with-draw our selves from that civill

and temporall obedience which is due from us to our dread Sovereigne, but meerly to preserve our Religion and Liberties of our Kingdome, without which, Religion cannot long continue in safetie.

You are to deale earnestly with his Majesty, and humbly to beg at his hands, that you may be quickly dispatched back againe, that you may bee at home in Scotland betwixt and the 25. day of March next to come.

Sic subscribimur

Lothian, Dalhousie, Balmerino, Napier, Dundas of that Ilk, Wachtoun, Thomas Myrtonne of Kambo, William Rig, Sir David Murrey, Sir George Stirling of Keir, John Smith for Edinburgh, Thomas Bruce for Sterling, James Glen for Linlithgow.

Another particuler is mentioned in the Declaration pag. 46. The neglect of a Ceremony and complement witnessing in our Commissioners the sense of his Majesties Grace and goodnesse in hearing them who had no power to accomodat affaires: which how it was wee know not, but his Majestie knoweth well that the Scottish Nation glorieth more in kindnesse and realities then in expressions by word or gesture: they might also have interpreted a thanksgiving at that time when they were so serious, to have been a losse, or interruption in businesse, or have feared the asperson of glossing, faining, flattering, which hath been put upon us before. And it may bee
that

that their sense was the lesse, because they conceived their instructions to be full: As they were obliged to the example of the Lord Marquisse of Hammiltoun, named here for this good office; so are we all longing for the happy time when our hearts shall be so far affected with the sense of his Majesties grace and goodnesse, that our Supplications may bee turned in thanksgiving to God and the King, our troubles into a firme peace, and all our clamours and complaints into acclamations of joy, at which time there shall be no want of Ceremonie, thanksgiving, or gratulation from the whole Nation.

The third is, That the answers of our Commissioners, were impertinent, &c. pag. 47. And that the Lords of the English Councell were of opinion that our Commissioners ought not to bee heard till they should acknowledge that the Supream magistrate must have authoritie to call and dissolve Assemblies, and to have a negativue voice in them, &c. If their answers did give the reasons of the demands in Parliament, as it may appear by their proceedings, they did, in so many of them as were controverted: for other demands there was no just exception against them, as is acknowledged, Declaration Pag. 45. 47. they were not impertinent but satisfactorie, although they did not satisfie our adversaries, who were determined to receive no satisfaction, but in the overthrow either of our Religion and Liberties, or of our selves: It could not in reason be expected, that three or foure Commissioners should hold a Parliament there with a Committee, and leave nothing to a Parliament here, but an approbation of their doing: This hath more in it then can be told in few words. It had been good before the Councel of England had given their opinion, which we beleeve was not their sentence,

that they had called to their remembrance, that our Commissioners were sent not to give judgement, but to give the reasons of our demands, and that they behoved to keep themselves within the compasse of their instructions, that in the time of the peace making, his Majestie thought it not meet to insist in the three Querees, of calling and dissolving Assemblies, and of a negative voice, as may be seene before in the first part of this answer pag. 13. And that his Majestie did graciously acknowledge that all matters Ecclesiasticall, (whereof, this being understood of the Assemblies of the Kirk, is one) ought to be determined in the Assemblies of the Kirk, according as it is determined in the late generall Assembly, att. August. 17. of prorogating or dissolving of Parliaments, and other assemblies, our declaration speaketh, pag. 55. What other supreme powers in the Christian world, may do by their different laws, constitutions and customes, were long and laborous to enquire; but wee shall strive to keep our own, without wronging any other Kingdome, either by our sentence or opinion, especially in times of danger.

Before we come to the third part of the Declaration, we meet with the answer of three objections which are supposed to be made upon our part.

The first is pag. 47. that his Majestie promised unto us a free Parliament, and we adde that a speciall promise was made of the ratification of the acts of the Assembly in Parliament, and of settling other such things as may conduce to the good and peace of the Kingdome. Like as we were obliged both by the nature of the thing it self and our promise, To seek nothing but to enjoy our Religion and liberties, according to the Ecclesiasticall and civil laws of the Kirk and Kingdome, and not to diminish his Majesties greatnesse and authority.

rity. But when the Parliament is convened, the acts of the Assembly are refused to be ratified, in so far that his Majesties Commissioner refuseth to repeal and rescind such acts of Parliament as are inconsistent with the ratification of the acts of the Kirk; although it cannot upon any shadow of reason be denied, that the Parliaments power and freedome consisteth in this, to make and unmake laws, as in their prudence shall seem convenient: Other articles which were proponed, as they were conceived to be for the peace and good of the Kingdome; so neither in the intention of the proponers, nor in their own nature and condition, did they touch or trench upon his Majesties Glorie, Crowne, Sceptre, or Power, as is before made manifest; they all tending either to the sensible good of the Subject, or to the reforming of such abuses as do obscure his Majesties justice and goodnesse, and being granted would conciliate love, reverence, and cheerful obedience to his Majesties government.

The second objection supposed to be made by us: Declaration pag. 48. is from his Majesties allowing of the Covenant, and commanding of the Lord Marquess of Hammiltoun, the former high Commissioner, and other his Majesties Subjects to subscribe it, and from the Earle of Traquair, his Majesties high Commissioner, his subscription or allowance of the subscribing of the Covenant. It was never in our mindes to make use of the first, our reasons are extant in print against it, as subtilie disappointing and destructive of our intended reformation, against the late novations, and against Episcopacie it self, the waggoner which had brought them in; and when it was subscribed by some few, it was done with this expresse Declaration, That they subscribe it in no other sense, but that which it had in the yeare 1580, when

when it was at first subscribed; which is found by the Assemblies of the Kirk, (contrarie to the Lord Marquesse his meaning) quite repugnant to Episcopacie, and all the attendants thereof in Kirk and State: wee indeed acknowledged it to be the same in substance, with that which we have subscribed of late, but that, by our adversaries, who ever set themselves against our explanation and application thereof to the late corruptions and innovations, was not acknowledged till the Assembly at Edinburgh, and by some of them is still denied; what is pertinent for the clearing this question, was so fully written at that time, that nothing needeth now to be added. Concerning the Earle of Traquair, it is alleadged, Declaration, pag. 50. that we have no warrant for our action, (for rebellious courses and treacherous combinations, no man can have warrant, and we detest and disclaime them) from his subscription of the Covenant: First, because it is evinced by the petition of the Generall Assembly for subscribing of the Covenant, that our subscription before this time was neither laudable nor warrantable; where wee intreat the reader, whosoever, to make some pause, and compare the words of the Supplication of the Assembly with the words of the Declaration.

The words of the supplication as it was presented before the Councel table, standeth registrat in the books of Assembly and Councell, is prefixed to many subscribed copies of the Covenant, even that which was subscribed by the Commissioner and Councel, and is printed supra pag. 40.

And following the laudable example of our predecessors 1589, do most humbly supplicat your
Grace

Grace his Majesties Commissioner, and the Lords of his Majesties most honourable Privy Councell, to injoyne by act of Councell, that the Confession and Covenant, which as a testimony of our fidelitie to God, and loyaltie to our King, wee have subscribed, may be subscribed by all his Majesties Subjects.

*The words of the Supplication as they are cited
in this Declaration, pag. 50.*

NOW following the laudable example of their predecessours, they doe humbly supplicate for the same, and that they may be allowed and warranted to subscribe it.

The cogging and cosenage is so grosse, that we are forced to turn our answers in this point obvious to every ey, into a complaint, that any of whatsoever quality shall be suffered after this foul and falsifying way, to wrong the Kings honour, and the Kingdomes peace in so high a matter as is a Covenant. Next, our actions are said to be unwarranted: because this Covenant, by that which is prefixed to the Commissioners subscription is declared to be one and the same with that of 1580. which giveth no warrant to such actions as ours are. Where first we desire it to be known universally, that the Earle of Traquair his Majesties Commissioner, did subscribe the Confession of Faith and Covenant, with the explanation of the Assembly: First in the house of Parliament in presence of the Lords of articles, Septemb. 6. both as Commissioner with the declaration made in the Assembly to be prefixed to his subscription, and as Traquair simplicie as other subjects
have

have done: Next, that he subscribed the Covenant in the new house of Exchequer, as a Counsellour with other prime Lords of Counsell, Roxburgh, Lawderdaile, Southesk, and many others, and that without any Declaration at all, even the Marques of Huntlie shew his desire to subscribe with others, but that he would have done it with protestation of his liberty outwith the Kingdome, which the Ministers who were present to take the oath and subscription of the Lords, could not admit. But neither his Lordship, nor any other, pretended any scruple either in Religion, or civill obedience to the King, against their subscription; so that neither in the Assembly, nor in the Parliament-meeting of the articles, nor at the Councell Table, was there any suspicion of treasonable combination against the King from this subscription. Secondly, if both, that of the 1580. and this of 1638. be one, then certainly this hath no more then that, and that hath no lesse then this: Neither is there any other difference of the one from the other, but (as was expressed in our Protestation, Septemb. 22. 1638.) such as is of a march-stone hid in the ground and uncovered, &c. for this end, and for giving full satisfaction to authority; these words Wee have sworne and doe sweare, not onely our mutuall concurrence and assistance for the cause of Religion, &c. but also that wee shall concurre with our friends and familiars in quiet manner or in armes, as wee shall be required of his Majesty, his Councell, or any having his authority, in every cause that may concerne his Majesties honour, according to the Lawes of this Kingdome, and the duetie of good Subjects, &c. are insert in the Supplication of the Generall Assembly first part of this representation, pag. 48.

Our third objection is, That the demands proponed by

*as in Parliament, are but matters in fieri, which is so pra-
gnant that it cannot be answered, if it be considered as it
was modestly proponed, and very truly expounded by our
Commissioners in their proceedings pag. 45, 46. for ma-
ny demands may be made to the articles, which may be re-
jected by them, and many things may be concluded in ar-
ticles to be proponed to the Parliament, which in face of
Parliament being disputed, may be judged inconvenient.
Demands are not definitions, nor propositions to be accom-
pted conclusions; Things done by men must be in fieri, be-
fore they be in facto esse, every conception cometh not to
therypenesse to be a birth.*

B*Y that which we have said, we believe we are free,
before, and in the Assembly and Parliament, of insol-
encies, and the heavy censures of Rebellion and
Treason, which are so ordinarily, and at every other word
thundered out, that they are become the lesse formidable
unto us, who desire that all our actions and proceedings in
this cause, may be seen in their own colours, and who are
supported with this inward testimony, that we fear God,
and still honour the King, although nothing can proceed
from us which will please our adversaries, except we will
follow their rules, which are not unlike those of the Jesuits
found at Padua, when they were expelled the territory of
Venice: One of them was, that men should take heed,
that they presse or inculcat not too much the Grace of
God; Another was, that men must beleve the Hie-
rarchicall Church, although it tell us, that that is black
which our ey judgeth to be white. Unto which we may
adde the third, invented by Ignatius Loyola, of blinde
L 2 obedience,*

obedience, which we have no mind to practise, because it is repugnant to the essence of the vertue of obedience, which proceedeth from knowledge and election. We intreat our adversaries to shew us in good earnest, and not by way of railing, In what sense have we incurred the censure of Rebellion and Treason in the Assembly (as is alledged pag. 52.) The Assembly was convened by his Majesties authority, countenanced from the beginning to the end by his Majesties high Commissioner, all things were done with high respect to the Kings Majestie, and with frequent prayers for his happines; Nothing was put in deliberation, till it was first proponed to his Majesties Commissioner; nor any thing determined without his advice, consent and approbation, all was done in that order and decencie which this Nation, out of use of Assemblies, through the tyranny of Prelats, usurping the jurisdiction of the Kirk, could attain unto at the first or second time, and all was closed with rejoycing in God, and with many praises and prayers for the King, under whose Majestie the Commissioner also had his own part: And yet in the Assembly we must be guilty of Rebellion and Treason, We cannot be mooved to think, but the mitre of an usurping Prelat, by the authority of a Nationall Councell, may be thrown to the ground, without the violation or smallest touch of the Crown or Scepter of Imperiall Majesty: because we deny both the Tenets of the Romanists: One, that the temporall power of Princes is directly subordinat and subject unto persons Ecclesiasticall, as having all power given them of God. Another, of such of them as are touched with a little shame, that the temporall authority doeth not reside in persons Ecclesiasticall, but is given unto them indirectly, as necessary for the Spirituall; which is but a shift and a difference

rence of words, what then should our judgment be of unlawfulfull and usurping prelates and popelings, may be easily known by others; or, if need were, made known by our selves, if this were not a digression; onely this much we intended, that to dethrone a prelat, and to over-turn prelacie, we judge it no Treason against the King. And so we come to the answer of the third part of the Declaration, touching our faults since the Parliament.

Not three or foure, but Ten transgressions and exorbitancies are here libelled against us. The first three are the provyding of men, munition, and moneyes for our own defence, which in us who are the Estates of a free Kingdome, is held lawfull by the Law of God and Nature, by our acts of Parliament, by the practise of other reformed Kirks, by the testimony of famous Divines, by the assistance contributed by our own Princes to other Kirks and States invaded and distressed, (and we adde) by the judgment of many amongst our selves, who in the beginning of our troubles, and before the late pacification, had about this, their own scruples, wherein since, considering what is done in England for advancing of Poprie, and what is done at home expressly against the articles of the pacification, they rest perfectly satisfied. If the defence be lawfull, the hands of men, and the aide of moneyes are necessary adminicles, which all the Subjects do acknowledge, and therefore contribute most willingly without the least exception, except of some few, not against the thing it self, but against their stint and proportion, which yet is lesse quarrelled in this, then it hath been at any time in ordinary Subsidies or taxes. It is known to the world, that Scotland hath no Treasures whereof to boast; but on the contrary if we be blocked up, we will be necessitated either to famish, or to fight our selves free: And although we had

the treasures of Cræsus or Darius, we would not put our trust in them. The sentence of Q Curtius, which after him is become common in the world, crying up moneys above the just value, that they are the Sinewes of warre, is upon good grounds by wise men, and upon better experience, recalled and exploded. The sinewes of this warre, (if a warre shall be) must be a good cause, good consciences, and Souldiours stout and 'fearing G O D, who cannot bee found out by gold, but will bee able to find out gold, as some writers about this have spoken well.

Our fourth Transgression is from our papers and pamphlets, and namely against an Information from the Estates of the Kingdome of Scotland, to the Kingdome of England. Many things have been written on both sides, but in very different manner: inasmuch as the writings of the prebats and their partisans, are full of railings, detractions, injuries, and slanders against this Kingdome, and full of sedition, to stirre up our King against us; much written, that our defence is unlawfull, nothing against the unlawfulness of the invasion: But our writings are full of all kinds of reverence to the Kings Majesty, and of respect to the English Nation, pressing the matter in hand without digression or falling from the purpose upon the persons of men, further then the action intended against our adversaries the authors of all these evils, did enforce us. The forme of answering our Information, not by evidencing any untruth or undutifullnesse in it, but by Proclamation, and by fire and faggot, is indeed for the time the most easie, the most compendious, and the most affrighting way to the poore ignorant multitude. But England can tell, that the truth cannot be consumed by fire, but will rise more pure and clear out of the ashes,
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and flye with multiplyed wings further abroad in the world, then before. We might also without presumption have expected, that an Information coming not from a particular person, or Society, but from a Kingdome, would have found with the Councell of England some better entertainment: But we trust our Informations will be more precious in the sight of our friends, who know through what difficulties they make their journey, and what acceptance they find at their arrivall.

The next three Transgressions are about the Castle of Edinburgh, and certain Fortifications. Out-rages and violences we have committed against none of that Castle: but many have we endured out of a desire and hope of peace, and for them have returned courtesies and favours. Materials to the Castle were not denyed; till, by boasting, profession was made of that which wee might have known before, that it was to be turned against our selves and the Town: neither then were they altogether denyed, so farre as our own necessary use of materialls would permit. Neither was any work rayed against the Castle, but a Rampier onely for defence of a Court d' guard, till violence was done from the Castle. Our desire and hope of peace, and our unwillingnesse, by the smallest breach, to lose the thanks of our former obedience, have mooved us to supererogate, and to doe more then wee were obliged, but have not suffered us to be desiaient. It is rather to bee wondered at, that wee have done so much, to make up a Fortification against our selves, and to put weapons in the hands of our enemies, then to bee reprooved, that we have done no more.

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The eight concerning the Lord of Southesk, and no other of quality, except Sir Lewes Stewart, we remit to the information of their own Letters, come to his Majesties knowledge. The carriage of Noblemen, of Barons, and of the Magistrats of the town of Edinburgh, upon the harmlesse accident of their surprizall by the multitude, doth rather deserve thanks, then challenge from them selves, or any other, as is contained in our Remonstrance pag. 32. their safety in the time, and their Liberty granted them since, how soon they could be in safety, are reall testimonies that no evill was meant against them: We would not have it supposed, that we do all that we are able to do, or what we do for good, that it is done for evill.

*The ninth concerning the rendring of the Towne of Edinburgh into the hands of a Committee, and therby the incurring the guilt of high Treason: we wonder how any should be found so wicked as to invent it, and much more if his Majesty, or any wise or good man, can be moved to believe it; They have the honour to be the first City of this his Majesties Kingdome, and as a principall member do joyn in this common cause of mutuall defence: but neither know of any such usurping Committee, nor of submission to any power, beside that of their Sovereaign Lord and King: how ready the Magistrats and whole Body of that Town have been to all good offices for his Majesties honour, how far they have strained and spent themselves upon publick works for the honour of the Kingdome, how difficult commandements they have obeyed at his Majesties pleasure, and how they have omitted nothing which they conceived could be brought within the compasse of the duty of humble and faithfull Subjects; These who sometime professed themselves to be their friends, but are now become their enemies, can bear witness. We may truly
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with them, and in their name honour them with this testimony; that as it is his Majesties glory to have one prime City in this his Kingdome, so have they beside all other respects, by their affections and deportments, deserved to be the first, and to have a better place in his Majesties estimation, then to be suspect of Rebellion or Treason. Declarations of this kind are devised to be divisions betwixt the King and his best Subjects.

The Tenth Transgression is kepted to the last place, Decumanus fluctus, as a great wave to over-whelme us and our Cause; But we have no fear so long as we saile in the ship of a good conscience, which by no surge or storme can be wrecked. This is that French Letter so much talked of, and insisted upon, as to open a gate to let in foreign power to rule over England and our selves; which, by what consequence it can be inferred, we would fain know; when a people is sore distressed by sea and land, is it unlawfull by the Law of God and man, to call for help from God, and man? Is there no help nor assistance by intercession, by supply of money, &c? Is all assistance by the sword and by men? Is all imploring of assistance an argument of subjection unto the assistant? May not friends and equalls assist as well as superiors? Shall it be thought that diverse Princes and Estates sued unto for help, are all invited to be rulers and governours over one and the same people? We love not shrouds nor disguisements; we speak the plain truth, and feare nothing so much as that truth be not known; We never had intention to preferre any foreign power, to our native King whom God hath set over us. We love not our selves or the English Nation so little, as to raise up any wall of partition between them and us. The Proclamation at that time, as may be seen in our last Remonstrance pag. 34. was without example. Great forces

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by sea and land were coming upon us, Informations went abroad in other nations, to the prejudice of us and our Cause. This made us to resolve to write unto the French King, apprehending that upon sinister relation, his power might be used against us, as may be seen in our Instruction, printed in our Remonstrance, pag. 37. What kinda of assistance we called for, whether of men or mediation, may be best known by the Commentary of our Letter, our Instructions which are ready to be seen, and are signed also by the Lord Lowdouns hand now in prison, and therefore (if we should need to say it) not falsified; without subjection or soveraigntie of either of the Nations, Scotland or France. Aide and assistance hath been given in former times, If we had called at that time, or have called now in the return of our troubles upon Denmark, Holland, Sweden, Poland, or other Nations for help, are we therefore inviting them all to soveraigntie over us? And when all is said or done, the Letter was but an Embrio forsaken in the birth, as containing some unfit expressions, and not agreeable to our Instructions, and therefore slighted by the Subscribers, but caught for some great advantage by this treacherous and secret accuser of the Kingdome. Another Letter was formed consonant to the Instructions, and signed by many hands: But neither was this sent from us (although some invent or imagine, that it was intercepted by the way to France) because we conceived that mediation from France would be but late to avert the danger which was so neere. The Letter it self carrieth two tokens, that is, was unperfected; one, that it wanteth a date; another, that it beareth no superscription from us: Both these are craftily turned against us: The blank date hath made our enemies to number this Letter amongst our pretended faults committed after the Parliament, whereas

whereas it is universally known that it was written in May
 1639. before our marching to the Border, and therefore
 ought to have been buried in the pacification; This is well
 known to the Commissioner, who talked of it before his go-
 ing to England, & was occasionally made known to some of
 quality in his Majesties Camp. The want of the superscrip-
 tion hath made them to indorse it Au Roy, a title, say they
 used by the subjects of that Kingdom to their own Prince
 only: But we affirme, that the Letter was neither sealed,
 folded, nor written on the back by us, or by our knowledge:
 & we hold it but a poore argument & ground of accusati-
 on against the French or Dutch: supplicating or writing
 to our King, if they should say, To the King, every King
 being the King in his own Dominions. We love not to harp
 more upon subscribing, superscribing, or sending of letters
 to other Princes, & to the Pope himself from examples of
 old & of late, which are not hid from the eyes of the world:
 It is sufficient to us to have justified our selves, & to show
 how innocently the Lord Lowdown suffereth, for putting
 his hand to such a Letter, the guiltines or innocencie here,
 not being personall or proper to the Lord Lowdown, but na-
 tionall and common to us all. And although it had been a
 fault, & his alone, yet what soever it was, it did in time, &
 for a long time go before his cōmission & employment, &
 therefore ought not to have bin challenged till he had retur-
 ned to his country, unclothed himself of his commission, &
 turned again to be what he was, a privat Nobleman. The
 dignity & safety of nations, kingdomes, Estates & Repub-
 licks are much interessed in their Cōmissioners & Legats
 (whether they be sent from one Prince to another, or from a
 kingdom province or republick to their own Prince) Their
 dignity: for what is done to the Legat, is interpreted to be
 done to them that sent him; their safety, because if Legats be
 wronged, there can be no more composing of differences, nor

possibility of Reconciliation, which is the ground of the Law of Nations, whose being consists in their honour and safety, and therefore it will have no Legat to be accused during his Legation for any thing committed by him before it, It commands Legats to be free even from the inferior Law of Reprisall, and doeth reckon these to be the excellent effects which it produceth in all places where it is obeyed: Religion to God, Pietie toward our Countrey, propulsation of injurie, keeping off faith, and that Legats be inviolable. And although there were not such a Law of Nations, yet his Majesties own royall and inviolable warrant for the coming of our Commissioners to his presence at this time, is enough for their safe conduct and security. If they have committed any thing at home against their King, Countrey, or any particular subject, the fundamentall Liberties and indepenencie of the Kingdome, and the practises of the former times since 1603. not onely in the persons of Noblemen, but of others of mean quality, doe require; that they be tryed and judged at home in a Legall way by the ordinary Judicatories of the Land. How many bloody warres, and what horrible calamities have ensued upon this transgression of the Law of Nations, we leave to be remembered from the Records of history, and earnestly intreat for their liberty and safety, who are to us as our selves.

When the wittinesse and malice of our adversaries are vented to the uttermost against all our proceedings since the pacification (for things done before on either side ought not to be remembered; not that we fear a new tryall, but because they are untymous and impertinent) By that which we have said and represented, the unpartial, and such as are not prepossessed, will find, that till the peaceable ending of the Assembly, and the proroguing of the Parliament;

liament; not onely the bonds of piety to God, loyalty to our King, and zeal to be approved of our neighbours; but our desire, our care and hope, that all should end in a settled peace, did oblige and tie us to bear many injuries, to construe all, so far as was possible, to the better part, and to do many things beyond the bounds of duty or obligation; having alwayes before our eyes, that we were dealing with our King, who by time would perceive the plots of our enemies, that our desireable peace being obtained, would be abundant satisfaction for all our sufferings, and being confident in God, that by his providence and the richesse of his goodnesse, all our losses might in a short time be repaired. And since the proroguing of the Parliament, we have followed after peace, in sending our Commissioners to be mediators of peace, by remonstrating the reasonablenesse of our humble desires, and as we still do beg peace, so have we done nothing, but put our selves in order against invasion and unjust violence; which if we had expected, or if we had not been transported with the love of peace, and of our King as a Prince of peace, would we have taken verbal expressions at the Camp, for a ground work to build our peace upon? would we have slipped from our advantages, and put the Castles and Strengths of the Kingdome into our enemies hands? would we without precedent in this Kingdome, have yeilded at this time to the prorogation of the Parliament, or would we have received an English garriison with armes and ammunition into the Castle of Edinburgh? All these have we done, and all these this day are turned and used against us, and yet are we blamed to be the breakers of the peace. But because this is the question proponed in the beginning, if the ballance of every just judgement stand not right already, we shall now by a short summary and recapitulation of what we have done,

and what we have sustained, since the pacification, make the weight more sensible. It will ease us not a little when we shall see them weighed in the scales of unpartialitie, and shall hear the sentence pronounced, that the accusations against us, are found light and of no moment in comparison of this counter poise of our performances and just grievances.

NO material point of the treatie which wee have not performed : Wee incontinent dissolved our Armies, disbanded our Regiments, rendred the Castles, and all ammunition, restored all things that were not spent, have keepest no unlawfull meetings, and desisted from all fortifications. When the Assembly was convened, matters Ecclesiasticall were determined according to the constitutions of the Kirk, in the presence, and with the consent of his Majesties Commissioner, for which the Assembly gave humble and hearty thanks to his Majestie, intreating and hoping for ratification of the Acts of the Kirk in Parliament; wherein being convened, our care was to walke so warily, that neither his Majestie should be provoked, nor the liberties of the Kingdome prejudged : and therefore wee laboured to have enacted things plaine and necessarie, serving for the good of Religion and the peace of the Countrey : And directed our Commissioners, to give information to his Majestie, concerning things that might seeme questionable. And when the Parliament was prorogate by his Majesties authoritie, without any precedent practise, we suffered our selves to rise : And although our Commissioners were repelled, yet did we send our Commissioners again in greater number, to render the reasons of our

our demands. Our innocencie suffered us neither to fear such intertainment to them, nor such answer to our demands, as are contained in this Declaration: but constantly desiring peace, and hoping for the returne of our Commissioners, with his Majesties gracious answer, for the sitting of the Parliament; wee have received strangers, and with them all kinde of munition within our Castles, which are now with great insolencie and barbarousnesse, even against women and children, used to our own hurt.

On the other part, It grieveth us that quarrels have been picked and made up against us, from the best and most ingenuous of our actions: This is a coloured threed that ruuneth along the whole web of this Declaration; we but point here at the first end of it; It was openly professed before the Kings Majestie by our Commissioners at the Campe, that his Majesties Declaration would not satisfie without his Majesties owne benigne interpretation by word; and yet no sooner was this made, out of a desire of peace, but incontinent it is quarrelled, and afterward the paper bearing his Majesties words, burnt by the hand of the hang-man.

New fortifications were made and great Garrisons kepted at *Barwick*, *Carlisle*, and other places, and the officers brought over sea were not dismissed.

The Castles of *Edinburgh* and *Dumbartaine* extraordinarily fortified with ammunition, and all sorts of fire-work, for destroying the towne, and especially with Garrisons of strangers; The fortification of *Leith* first granted to the Town of *Edinburgh*, to bee disposed upon, and thereafter the contrarie commanded to make a quarrelling.

Suspition

Suspitions and jealousies fomented in the hearts of the good subjects, by frequent meetings and consultations with the excommunicat Prelats; and by calling of fourteen of us to *Barwick*, who were accounted prime leaders in this affair from the beginning.

An oath pressed upon our Countrey men in *England* and *Ireland*, which because they could not take, as supposing it both in the intention of those who ministred the oath, and in the condition of the oath it self, to be contrarie to their Nationall oath and Covenant, they are punished diversly in their persons, goods, moneys, lands, and shipping; and our desires to have them restored are not regarded.

Some words of his Majesties Declaration at the Camp, which were delet at that time, as very prejudiciall to our cause, have been printed in the edition published at *Paris*, and are taken in again now in this Declaration.

The Prelats, although excommunicat, were called to be members of the Assembly, to the great discredit of the Kirk, and farre from that which was spoken at the time of the Treatie.

The book, called, *A large Declaration*, complaind on at the Camp, and censured since in the Assembly and Parliament, neither recalled nor the authour punished: But our informations although given out in name of the Kingdome, burnt by the hand of the executioner, and all men forbidden to read or have them.

When it was not possible for the Lieges to attend, the Session was commanded to sit, and since that time no proclamation nor course taken for ministration of justice.

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Although the Assembly proceeded and was concluded with the consent of his Majesties Commissioner; yet are we accused of Treason and Rebellion in the Assembly.

After the Assembly was closed, new Declarations were emitted by the Commissioner, prejudiciall to the Declarations made in the Assembly, and destroying the substance of the acts of the Assemblie.

The refusing to ratifie the acts of the Assembly, namely that of August 17, except with these limitations and declarations, which would more have enervat nor strengthened the acts of the Assembly.

The refusing to restore to the Kirk her right of planting of some Kirks, usurped by the Prelats; and to grant the commission for plantation of Kirks.

The Registers of the Parliament, although often desired, for removing of questions, were withholden.

The Lord Commissioner his usurpation in the choosing of the articles, above any thing that ever was done by any Commissioner, or any of our Kings themselves before.

The act of oblivion refused, except it had been turned in an act of pardon, which his Majestie did not presse, but passed by, and caused delet in the time of the treatie.

The act of relief so necessary for the Subjects, refused, and the matter of Coyne altogether disordered.

The Parliament prorogat against the laws and continuall custome of this Kingdome, and against the articles of the treatie.

The labouring of division by all means in the time of the sitting of the Parliament, whereof some were shameful and unnaturall, as is confessed since under the

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hand

hand of some of the conspiratours, upon theremorse of their conscience.

The Lords of *Dumfermling* and *Lowdown* sent from the Parliament, and that upon a warrant shewed by the Lord Commissioner, were not honoured with his Majesties presence, but commanded to return.

Scandalous relations of the proceedings of our Parliament, made at the Councel table of *England*, and judged there : but the benefit of hearing before the Councel, denied to our Commissioners.

The Committee appointed by our Parliament for necessarie and pertinent ends, is quarrelled, and an *English* Committee of some few allowed to sit and judge of our Parliament.

The answers of our Commissioners taxed as impertinent, but no particular reason given to shew that they are such.

The Covenant allowed by the Assembly and subscribed by the Lord Commissioner disallowed, and that which was rejected before, esteemed.

Our Commissioners pressed to give their judgement concerning calling and dissolving Assemblies, and the negative voice in Assemblies, contrary to the laws of this Kirk and Kingdome; otherwise not to be heard.

Counsellours and officers of Estate discharged their places summarlie and never heard.

Commandment given to the town of *Edinburgh* to publish a Proclamation for discharging the Earle of *Argyle* from executing the office of justiciarie belonging heretablie to him by act of Parliament, and to disclaime and disallow a Committee appointed by Parliament.

Commandment

Commandment given to the towne of *Edinburgh*, to receive to the Castle, Garrisons of strangers over their own heads, and to furnish all materials for their own ruine.

Great violence and outrage done by the Castle of *Edinburgh*, not onely against men and buildings, but women and children for many dayes past, without any provocation from the towne.

A terrible commission granted to *Northumberland*, for subduing and destroying us, before our Commissioners, who were waiting and ready to clear our intentions and actions, had a hearing.

Great preparations by sea and land, at home and from abroad against us; before it was told us for what fault.

Our Ships and goods taken, and the owners stripped naked, and more barbarously used then by Turks and Infidels, and we referred by the Governour of *Barwick* to the Councel of *England* for satisfaction.

Letters sent for eight Noblemen to repair to Court, to be put, it seemeth in the same condition, with the Lord of *Lowdown*.

The restraint of our Commissioners, and the imprisonment of the Lord *Lowdown*, against all equitie, law, and conscience.

All things devised and done that may make a rupture and irreconcilable warre between the two Kingdomes.

All means used to disgrace this Kirk and Kingdome: Books, Pasquils, Maskes, honouring of our cursed Prelats, advancing of our deposed Ministers, denying presentation to Kirks, &c.

No other answer given to our Commissioners there

orto us here concerning the reasons of our demands, whether they satisfie or nor, but a declaration given out, denouncing a warre, and armies coming upon us.

The Parliament of *England* (which was called upon the sentence of the Councel, animated by the relation made by the Commisſioner, that it was fit to use force againſt us) hath not ſeen juſt cauſe of warre, or of giving moneyes for war, and ſo to enter in a nationall quarrell, and therefore is broken up; and yet the expedition ceaſeth not.

By this time it may bee evident how matters ſtand, all being brought to a worſe condition then at the beginning; nothing done nor granted for the enjoying of our Religion and liberties, but all the means which have been uſed by us, not onely before the Aſſembly and Parliament, but even in the Aſſembly, ſo peaceably ended with the conſent of the Commiſſioner, are cenſured for Rebellion, Treason, and contempt of authoritie: Large profeſſion is made before God and the world, of a conſtant intention, that wee ſhall enjoy our Religion and liberties, and more then this, we nor do nor did ever deſire: how then cometh it that wee reſt not ſatisfied, ſince his Majeſtie is diſpoſed to grant all our deſire? The fallacie may bee ſoone ſeen: The Declaration profeſſeth, that his Majeſtie never did hinder us from the enjoying of our Religion, &c. becauſe his Majeſtie is ſtill in the opinion, at leaſt our enemies would have it to appear, that the Service Book, the Canons, Episcopacie, are nothing againſt our Religion. And therefore would grant us a Religion, that may conſiſt with them and take them all within the compaſſe of it: In this ſenſe the *Lutherans*,
Arminians,

Arminians, Papists were they our Superiours, would grant us the enjoying of our Religion, because they conceive it not to be Religion wherein we differ from them: and Politicks please themselves with a few principles of religion, & what is over those, to be but superfluous or indifferent: And where it may be opposed, that his Majestie grants the enjoying of our Religion and liberties according to our Ecclesiastical and civil laws, the same deception doth recurre, and can never be removed, till determination passe in Assembly and Parliament, what are Religion and liberties by our laws: This was therefore the summe of our desires from the beginning, which his Majestie was also graciously pleased to grant, but when the Assembly hath convened and determined: And when it beginneth to appear what the determination of the Parliament is like to be; then all is called and counted rebellion, Treason, and contempt of authoritie in the Assembly and Parliament, although proceeding soberly, posedly, and upon such grounds as were furnished by the lawes of the Kirk and Kingdome: This is the round that wee have runne, and wee are led back to the point at which we had our beginning. A circular course which sorteth well with the advise professed in a divisive meeting in the time of the Parliament, and since discovered: *I will never bee an adviser of his Majestie to invade this Kingdome by hostility, but to make shows upon our borders, that we may be ever in armes, our means may be consumed, and we impoverished, that so the King at last may obtain his ends:* which is to turne this work into *Pene-lopes* webbe, to doe and undoe, and thus to labour in vaine: But the adviser might have been better acquainted with the *Scottish* temper of his own countrey-men.

Seeing then that our humble desires of enjoying our Religion and Liberties, are the same which they were from the beginning: Religion principally, and things civill for Religion; that for obtaining them wee have not strayed from the fair and straight way of legall redresse by Assembly and Parliament, which his Majestie injustice did promise at the pacification. And concerning other demands, about matters Civill, although it be most certaine from bygone experience, that the corruption and thraldome of the Parliament hath been the occasion of the corruption and thraldome of our Kirk; That by our Records it is out of question, that the cognition and decision of the articles, doeth properly belong to the Parliament; and that in Parliament we have proceeded upon no other grounds, but the Lawes and laudable practices of this Kingdome, never questioned before, but inviolably observed, as the onely rule of government: yet lest pressing any of those too much, we should worke contrary to our own ends, and frustrate our selves of our desired peace; It hath been showne to his Majestie, that these demands were but motions and propositions made to the Lords of Articles to be by them prepared for the Parliament, where they might have their finall determination from his Majestie and the Estates, as might serve most for the well-publicke, without trenching upon his Majesties authority. The proceedings therefore of the Assembly, countenanced and concluded with the consent of his Majesties Commissioner, and of the Parliament now laid open to the world, aiming at no thing but the establishing of Religion & such things as should be judged necessary for peace as was agreed at the pacification, can never be found to be the true cause

cause of warre. This must rest first upon the incendiaries, who kindled the fire, and are now enraged when they find the smoake blowne in their owne eyes, and their owne nests thereby consumed; hopelesse to get it extinguished, and themselves builded up again to their content, by a faire and legall way. And next upon some others, whose exorbitancies cannot escape censure and punishment, and therefore they labour to have them drowned in the deluge of a common confusion.

When his Majesty with his honourable attendants came down the last year to the Border, they did see that Babell which the children of men had builded heere, and the affliction of this people by reason of their task-masters, and would it please his Majesty to peruse these papers, and to make a new tryall, *as it is the glory of a King to search out a matter*, wee would no more doubt of our own justification, nor we doe of his Majesties justice: the light and influence whereof we finde ecclipsed and hindered by the intervention of the wickednesse of bad & unjust Ministers, to the darking also of his owne glory, which we heartily wish may shine as the Sunne, to the comfort of all his Dominions, rather then to be turned into a storme and tempest of an unnecessary and unnaturall warre, which wee have laboured by all meanes to prevent, and now resolve to endure by the helpe of God, and in hope of a happy successe, if the *English* as they are invited, or the *Irish* as we heare they have offered, shall come against us. To reduce us to obedience, neither of the Nations shall need, for we resolve to obey without force, the decrees of Assemblies and Parliaments, which are our soveraigne Judicatures in Spirituall and Civill matters, and to which his Majestic hath remitted us; In this case
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wee onely appeale to that prime Law of Nature, *offer not that to another which thou would not have done to thy self*: graced and perfected by the mouth of Christ, whose name wee all do beare : *All things whatsoever yee would that men should do unto you, do yee even so to them, for this is the Law and Prophets*. Wisdome would rather direct, without wronging of Pietie or Justice, first to search the cause and fountaine of our troubles at home, and to take away the wicked before the King, and when this is done, and his Majesties Throne established in righteousness, then to joine as one man against the two great Catholiques, the one a King, the other a Prelat, who have in their desires and hopes long agoe destroyed us, and as their opportunities serve, cease not to invade us, or under-mine us. This might be a tryall both of others, and of us, whether we are disaffected to pietie, or to his Majesties honour and service ; This might in end make both the King glorious, and the Kingdom, to recover what glory any of them have lost. This would make the Lord of Heaven and Earth to say, *Drop down ye Heavens from above, and let the skyes powre down righteousness: let the earth open, and let them bring forth salvation, and let righteousness spring up together: I the Lord have created it.*

F I N I S.
